

**THE MINUTES OF THE 790th PUBLIC HEARING
OF THE BOARD OF ADJUSTMENT
CITY OF OVERLAND, MISSOURI
HELD ON WEDNESDAY, JANUARY 12, 2022**

ROLL CALL:

The meeting was called to order at 6:00 pm and the following members responded to roll call:

Mr. Dan Kipper
Mr. Jon Seal
Mr. Dennis Hageman
Mr. Jeff O'Connell
MS. Vicki Satterthwaite

Others in Attendance:

Mr. Newton McCoy, Legal Counsel
Ms. Kadi Sanders, Community Development
Mr. James Osborne, Community Development
Court Recorder

APPROVAL OF MINUTES

Mr. Jon Seal asked for a motion to approve the minutes of the Wednesday, August 11, 2021, Board of Adjustment Hearing.

Mr. Jeff O'Connell made a motion to approve the minutes of the Wednesday, August 11, 2021, Board of Adjustment Hearing. Mr. Dennis Hageman seconded the motion.

Mr. Jon Seal polled the vote as follows: SATTERTHWAITE - YES, O'CONNELL - YES, KIPPER - YES, SEAL - YES, HAGEMAN - YES.

OATH & REQUIRED VOTES

Mr. Jon Seal invited all parties present wishing to partake in any discussion of the applications submitted to the board, to please step forward and be sworn in.

The Court Reporter administered the oath as follows: "do you solemnly swear or affirm that the testimony you will give at this hearing will be the truth, the whole truth, and nothing but the truth" and all parties present responded to the affirmative.

Mr. Jon Seal read Section 400.935: Period of validity. Unless as otherwise specified by the Board of Adjustment in their approval for an application, no variance granted by the Board of Adjustment shall be valid for a period longer than one hundred eighty (180) days from the date upon which the variance is granted.

Mr. Jon Seal read Section 400.940: Approvals, Required Vote, to the applicants, as follows: "A concurring vote of four (4) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Article, or to effect any variation in the chapter. (CC 1976 App. A §15.08; Ord. No. 2449 §1, 11-14-88)"

Mr. Jon Seal asked the applicant on behalf of 9410 Baltimore Avenue to please step forward and give their name, address and reason for the variance request.

Mr. Ivan Reyes, 9410 Baltimore Avenue, addressed the Board to request approval of five variances related to the property. He explained he intends to operate his landscaping business from this location. Katie Peroutka, Legal Counsel for applicant, addressed the Board and explained the hardship related to each variance request.

The following exhibits were presented to the Board of Adjustment:

EXHIBIT A-1	AGENDA
EXHIBIT A-2	APPLICATION #PZ21-0030
EXHIBIT A-3	APPLICATION #PZ21-0031
EXHIBIT A-4	APPLICATION #PZ21-0032
EXHIBIT A-5	APPLICATON #PZ21-0033
EXHIBIT A-6	APPLICATION #PZ21-0034
EXHIBIT A-7	NOTICE OF PUBLIC HEARING
EXHIBIT A-8	ORDINANCE(S)
EXHIBIT A-9	STAFF REPORT
EXHIBIT A-10	SITE PLAN

Exhibits A-1 through A-10 were accepted as evidence and approved as presented.

Kadi Sanders, the Director of Community Development stated Mr. Reyes appeared before the Planning & Zoning Commission on November 30, 2021, to

request approval of a Conditional Use Permit and Site Plan to operate a Lawn and Garden Light (Landscaping) business. The site plan review revealed the site did not conform to the current zoning code and therefore the applicant must either bring the site into compliance or appear before the Board of Adjustment to prove a hardship. The Planning & Zoning Commission recommended approval to the City Council of the Conditional Use Permit and Site Plan contingent upon variance approval.

Newton McCoy, Legal Counsel, explained as a stipulation of the Conditional Use Permit granted contingent upon variance approvals, Mr. Reyes is required to screen the entire property. Mr. Reyes responded the screening is complete.

There were no comments from the Board.

There were no comments from the audience.

Mr. Jon Seal asked for a motion to approve the variance from Section 400.230.D.4.a Regulations and Performance Standards - Front Yard Setback.

Mr. Jeff O'Connell made a motion to approve the variance from Section 400.220.D.4.a. Ms. Vicki Satterthwaite seconded the motion.

Mr. Jon Seal polled the vote as follows: KIPPER - YES, SEAL - YES, HAGEMAN - YES, SATTERTHWAITE - YES, O'CONNELL - YES.

Mr. Jon Seal asked for a motion to approve the variance from Section 400.230.D.4.c Regulations and Performance Standards - Rear Yard Setback.

Mr. Dan Kipper made a motion to approve the variance from Section 400.230.D.4.c. Mr. Dennis Hageman seconded the motion.

Mr. Jon Seal polled the vote as follows: HAGEMAN - YES, SATTERTHWAITE - YES, O'CONNELL - YES, KIPPER - YES, SEAL - YES.

Mr. Jon Seal asked for a motion to approve the variance from Section 400.440.I.1 Minimum Parking Space Dimensions.

Ms. Vicki Satterthwaite made a motion to approve the variance from Section 400.440.I.1. Mr. Dan Kipper seconded the motion.

Mr. Jon Seal polled the vote as follows: SATTERTHWAITE - YES, O'CONNELL - YES, KIPPER - YES, SEAL - YES, HAGEMAN - YES.

Mr. Jon Seal asked for a motion to approve the variance from Section 400.450.A.4 Screening and Landscaping - Interior Landscaping.

Mr. Jeff O'Connell made a motion to approve the variance from Section 400.450.A.4. Mr. Dennis Hageman seconded the motion.

Mr. Jon Seal polled the vote as follows: HAGEMAN - YES, SATTERTHWAITE - YES, O'CONNELL - YES, KIPPER - YES, SEAL - YES.

Mr. Jon Seal asked for a motion to approve the variance from Section 400.450.A.11 Screening and Landscaping - Landscape Perimeter.

Mr. Dennis Hageman made a motion to approve the variance from Section 400.450.A.11. Ms. Vicki Satterthwaite seconded the motion.

Mr. Jon Seal polled the vote as follows: SATTERTHWAITE - YES, O'CONNELL - YES, KIPPER - YES, SEAL - YES, HAGEMAN - YES.

MOTION TO ADJOURN:

Ms. Jeff O'Connell made a motion to adjourn. Ms. Vicki Satterthwaite seconded the motion. All were in favor. The meeting adjourned at approximately 6:20 PM.

Respectfully Submitted,

Jon Seal, Acting Chairman
Board of Adjustment