

**THE MINUTES OF THE 791st PUBLIC HEARING
OF THE BOARD OF ADJUSTMENT
CITY OF OVERLAND, MISSOURI
HELD ON WEDNESDAY, MARCH 9, 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
Mr. Michael Ferren

Others in Attendance:

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

APPROVAL OF MINUTES

Mr. Michael Ferren asked for a motion to approve the minutes of the Wednesday, January 22, 2022, Board of Adjustment Hearing.

Mr. Dennis Hageman made a motion to approve the minutes of the Wednesday, January 22, 2022, Board of Adjustment Hearing. Mr. Jon Seal seconded the motion.

Mr. Michael Ferren polled the vote as follows: FERREN - YES, O'CONNELL - YES, KIPPER - YES, SEAL - YES, HAGEMAN - YES.

OATH & REQUIRED VOTES

Mr. Michael Ferren 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. Michael Ferren 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. Michael Ferren 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. Michael Ferren asked for the applicant on behalf of 9628 Midland Blvd to please step forward, and there was no individual present to address the Board. Mr. Michael Ferren then proceeded with the next scheduled agenda item.

Mr. Michael Ferren asked the applicant on behalf of 10190 Page Avenue to please step forward and give their name, address and reason for the variance request.

Mr. James Davis, 10190 Page Avenue, addressed the Board to request approval of two variances related to the property. He explained he intends to operate a restaurant of drive-thru only service from this location after the new construction is completed. Mr. James Davis, addressed the Board and explained the hardship related to each variance request.

The following exhibits were presented to the Board of Adjustment:

EXHIBIT B-1	AGENDA
EXHIBIT B-2	APPLICATION #PZ22-0003
EXHIBIT B-3	APPLICATION #PZ22-0004
EXHIBIT B-4	NOTICE OF PUBLIC HEARING
EXHIBIT B-5	ORDINANCE(S)
EXHIBIT B-6	STAFF REPORT
EXHIBIT B-7	SITE PLAN
EXHIBIT B-8	SIGN PACKAGE

Exhibits B-1 through B-8 were accepted as evidence and approved as presented.

James Osborne of Community Development stated Mr. Davis appeared before the Planning & Zoning Commission on February 22, 2022, to request approval of a Conditional Use Permit and Site Plan to operate a Restaurant Drive-Thru Only 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.

There were no comments from Legal Counsel.

There were no comments from the Board.

There were no comments from the audience.

Mr. Michael Ferren asked for a motion to approve the variance from Section 400.230.D.1 Regulations and Performance Standards - Minimum Site Area.

Mr. Dan Kipper made a motion to approve the variance from Section 400.230.D.1. Mr. Jon Seal seconded the motion.

Mr. Michael Ferren polled the vote as follows: HAGEMAN - YES, FERREN - YES, O'CONNELL - YES, KIPPER - YES, SEAL - YES.

Mr. Michael Ferren asked for a motion to approve the variance from Section 400.840.A.2 Commercial Signage - Attached Signs.

Mr. Jeff O'Connell made a motion to approve the variance from Section 400.840.A.2. Mr. Dennis Hageman seconded the motion.

Mr. Michael Ferren polled the vote as follows: FERREN - YES, O'CONNELL - YES, KIPPER - YES, SEAL - YES, HAGEMAN - YES.

MOTION TO ADJOURN:

Mr. Jon Seal made a motion to adjourn. Mr. Jeff O'Connell seconded the motion. All were in favor. The meeting adjourned at approximately 6:11 PM.

Respectfully Submitted,

Michael Ferren, Chairman
Board of Adjustment