

**THE MINUTES OF THE 794th PUBLIC HEARING
OF THE BOARD OF ADJUSTMENT
CITY OF OVERLAND, MISSOURI
HELD ON WEDNESDAY, JUNE 08, 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. Tim Jones
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, May 11, 2022, Board of Adjustment Hearing.

Mr. Tim Jones made a motion to approve the minutes of the Wednesday, May 11, 2022, Board of Adjustment Hearing. Mr. Dennis Hageman seconded the motion.

Mr. Michael Ferren polled the vote as follows: FERREN – YES, O'CONNELL – YES, KIPPER – YES, JONES – 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 affect 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 9932 Midland Boulevard to please step forward and give their name, address and reason for the variance request.

Mr. Rodney Stenroos, 9932 Midland Boulevard, addressed the Board to request approval of one variance related to the property. He explained to the Board that he had recently applied for a building permit to construct a new deck on the rear of his property and that the application was denied due to encroachment into the rear yard setback.

The following exhibits were presented to the Board of Adjustment:

EXHIBIT A-1	AGENDA
EXHIBIT A-2	APPLICATION #PZ22-0009
EXHIBIT A-3	NOTICE OF PUBLIC HEARING
EXHIBIT A-4	ORDINANCE(S)
EXHIBIT A-5	STAFF REPORT
EXHIBIT A-6	BUILDING PERMIT APPLICATION
EXHIBIT A-7	PERMIT LETTER
EXHIBIT A-8	PERMIT APPLICATION DENIAL LETTER
EXHIBIT A-9	SITE PLAN

Exhibits A-1 through A-9 were accepted as evidence and approved as presented.

Mr. James Osborne, Community Development, addressed the Board and explained that the applicant had recently applied for a building permit to construct a new deck located in the rear of his property. When reviewing the application, it was found that the intended location noted on the plans for the deck encroached into the rear yard setback, and was denied due to not conforming to the code.

There was a brief discussion of how the deck encroached into the rear yard setback due to the footprint of the house in relation to the property plat lines.

Special Counsel Newton McCoy added that the application be amended from previously noted as a side yard setback code to the proper 400.180.D.4.c, the code for rear yard setback and that is what is being voted on this evening.

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 400.180.D.4.c Regulations & Performance Standards – Rear Yard Setback

Mr. Dan Kipper made a motion to approve the variance from Section 400.180.D.4.c. Mr. Jeff O’Connell seconded the motion.

Mr. Michael Ferren polled the vote as follows: KIPPER – YES, JONES – YES, HAGEMAN – YES, FERREN - YES, O’CONNELL – YES.

CHAIRMAN ELECTION:

Mr. Michael Ferren announced to the Board that he now will be opening the floor for the Chairman Election and asked for a motion to recommendation of a new chairman.


Mr. Dan Kipper made a motion to approve Mr. Jeff O’Connell as Chairman. Mr. Tim Jones seconded the motion.

Mr. Michael Ferren polled the vote as follows: JONES – YES, HAGEMAN – YES, FERREN – YES, O’CONNELL – YES, KIPPER – YES.

MOTION TO ADJOURN:

Mr. Tim Jones made a motion to adjourn. Mr. Jeff O’Connell seconded the motion. All were in favor. The meeting adjourned at approximately 6:18 PM.

Respectfully Submitted,


Jeff O’Connell, Chairman
Board of Adjustment