



# Christian County Commission

100 West Church St, Room 100  
Ozark, MO 65721

<http://ChristianCountyMO.iqm2.com>

January Term

~ Minutes ~

Thursday, January 29, 2015

9:20 AM

The Christian County Courthouse

## I. Convene

The meeting was called to order at 9:20 AM by Presiding Commissioner Ray Weter

Attendee Name	Title	Status	Arrived
Ray Weter	Presiding Commissioner	Present	
Bill Barnett	Western Commissioner	Present	
Vacant Position	Eastern Commissioner	Excused	
Cheryl Mitchell	Assistant	Present	
Julia Maples	Administrative Assistant	Present	
Norma Ryan	Chief Deputy County Clerk	Present	

## II. Agenda

### **Motion/Vote - 9:20 AM Christian County Commission**

Discussion - Approve Agenda

The meeting was attended by Commission Secretary Julia Maples, Bob Rubino, Robert Palmer and Jim Billedo.

The Commission met to approve the agenda for Thursday, January 29, 2015. There will be an emergency meeting regarding a bill on the laptop lease for the Sheriff at 9:35am.

Commissioner Weter entertained the motion to approve the agenda for Thursday, January 29, 2015.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Bill Barnett, Western Commissioner
<b>SECONDER:</b>	Ray Weter, Presiding Commissioner
<b>AYES:</b>	Ray Weter, Bill Barnett
<b>EXCUSED:</b>	Vacant Position

### **Motion/Vote - 9:25 AM Kay Brown-County Clerk**

Minutes & Financials Approval - Approve Minutes & Financials

The meeting was attended by Commission Secretary Julia Maples, Bob Rubino, Robert Palmer, Steve Stewart and Jim Billedo.

The Commission met to approve the minutes.

Commissioner Weter entertained a motion to approve the minutes for Thursday, January 22, and Monday, January 26, 2015.

In financials the commission discussed some work that was done in Planning and Development office in 2014 relocating walls and the amount was quoted at \$4300.

During the construction the contractor needed to change some of the work. Specifically they found they could not use the old carpet as originally intended. Devan Construction did the primary work and for an additional \$965 they needed to get new carpet to complete the job. The total bill was \$5265.00.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Bill Barnett, Western Commissioner
<b>SECONDER:</b>	Ray Weter, Presiding Commissioner
<b>AYES:</b>	Ray Weter, Bill Barnett

**Motion/Vote - Kay Brown-County Clerk**

Minutes & Financials Approval - 2062 : Approve Financials

Commissioner Weter entertained a motion to approve paying Devan Construction for the Planning and Development job in the amount of \$5,265.00.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Bill Barnett, Western Commissioner
<b>SECONDER:</b>	Ray Weter, Presiding Commissioner
<b>AYES:</b>	Ray Weter, Bill Barnett

**Motion/Vote - 9:30 AM SB40 Board**

Appointment - Board Appointment-Amanda Adams

The meeting was attended by Commission Secretary Julia Maples, Bob Rubino, Robert Palmer, Steve Stewart, Sheriff Kyle, Brian Cathey and Jim Billedo.

The Commission met to approve the board appointment of Amanda Adams. The SB40 Board voted to appoint Amanda Adams to the Board. She will replace Shirley McCudden's position which was to last thru August 2017.

Commissioner Weter entertained a motion to appoint Amanda Adams to the SB40 board.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Bill Barnett, Western Commissioner
<b>SECONDER:</b>	Ray Weter, Presiding Commissioner
<b>AYES:</b>	Ray Weter, Bill Barnett

**4. Emergency meeting with Sheriff Kyle**

The meeting was attended by Commission Secretary Julia Maples, Jim Billedo, Bob Rubino, Robert Palmer, Judy Dollarhite, Amelia Wigton, Lacey Hart, and Steve Stewart.

The Commission met with Sheriff Kyle and Brian Cathey regarding a lease with Panasonic Finance. It is the lease on laptops. They are demanding return of equipment and \$62,009.31 due immediately. It says to prevent the action the

sheriff must pay the total of \$38,844.31 by certified check remitted overnight. It is for 45 laptops. Joey said this was discussed on the 15th of January. Brian said he called the account manager of Panasonic and asked to pay the first of January. He asked Auditor Sam Yarnell to include a line item for hardware. He called Dominic, the account manager at Panasonic and said there would be a delay. Dominic said no problem. This is the final payment. It is total that is due. Ray asked then why the total amount of \$62,009.31 is declared? The sheriff or Brian do not know the reason. Brian has called and they have not returned the call. He has talked to them 5 times since the first of December. Brian said they do have a purchase order. Ray asked when they got the bill. Brian said they got it in early December but they had to buy emergency servers. He talked to Sam and she looked at it and said it shouldn't be a problem to take money from INS. Lacy said that had not got done. Brian said the additional money is the company covered the insurance on the laptops and finance charges that is why the final bill is higher. Ray asked if the certified funds will meet the obligations and we are not obliged to pay the \$62,009.31 and send the laptops back. Joey said Blanca talked to them yesterday and they said send the check and all would be ok. Joey said he is not sure what happened. Brian had made plans to pull the money out of INS. Joey had the invoice on his desk and can't find the invoice. Ray asked if the County Counsel had looked the contract over. Brian said the County Counsel looked at it. Julia said she never saw the contract. Brian said any contracts are sent to John. Ray said he needs some assurance that the \$38,844.31 does fulfill the counties obligation. Lacey said a payment was made in 2012 and another was made in 2013. Joey said this should be the last payment. Bill asked if there was a phone number to call them and ask why it says \$62,009.31. Brian says it might be a default on the contract. Ray asked if John Housely could call them and find out about the final payment. Julia said she will send him the information. Brian said the Sheriff called Panasonic yesterday and they said that was ok. Ray would like to have verification that the \$38,844.31 is the bottom line we owe. Ray asked if they are expecting it today. Joey said yes. Ray asked what fund they are taking it out of. Brian said the hardware fund out of COLE. Joey said it was to be transferred out of INS and paid out of hardware fund. Joey said he thought it was done. Ray said he remembers the INS. Ray said pending John Houselys assurance, he would ask for a motion to proceed with completing the terms of the lease paying them the \$38,844.31 and that will be the final bill and remove the threat of removing the laptops.

**Motion/Vote -**

- Approve the payment to Panasonic for the Sheriff Department  
Commissioner Weter said pending County Counsel assurance he would ask for a motion to proceed with completing the terms of the lease with Panasonic paying them the \$38,844.31. That will be the final bill and remove the threat of removing the laptops.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Bill Barnett, Western Commissioner
<b>SECONDER:</b>	Ray Weter, Presiding Commissioner
<b>AYES:</b>	Ray Weter, Bill Barnett

**Motion/Vote - 10:00 AM    Todd Wiesehan-Planning & Development**

Discussion - Review & Possible Adoption of Amendments to Zoning Regulations

The meeting was attended by Commission Secretary Julia Maples, Steve Stewart, Judy Dollarhite, Robert Palmer, Bob Rubino, David Widner and Jim Billedo.

The Commission met with Planning & Development Administrator Todd Wiesehan to review and possibly adopt the amendments to zoning regulations. Commissioner Weter said the changes are precipitated by our change to 1st class status. Todd said the change in the amendments are to bring us into line with the 1st class status. The committee met regarding article 52 and 53 and suggested changing article 52 which describe the manner in which a meeting is to be conducted. Ray asked if the makeup of the board changes. Todd said it has 6 citizen members, the highway administrator and one commissioner. The Board of Adjustment consists of the 3 commissioners. Ray asked if the county counsel looked at this. Todd said the county counsel is not involved in this matter. Todd said the order is patterned after numerous others. Todd said Commissioner Barnett participated in the meeting. Ray asked if it is all contained in one order. Todd said these will replace the existing orders. Robert Palmer asked if the changes have the only impact of who is on the board and how they are meeting. Todd said that is the only change. David Widner asked them to elaborate. Todd said formally the BOA was made up of 5 appointed individuals. When we become first class it needs to be the commission. The statute now calls for 5 individuals, highway administrator and one commissioner for the Planning and Development board. The meetings are spelled out how they are to be held and how often. Judy said so now there are 8 members. Robert Palmer asked if they had to have a quorum. So one of the commissioners has to be there? Todd said they don't have to be there you just have to have a quorum. Judy asked if the commission set the appointments? Todd said they were set last December by the commission. Todd listed the members. Bob Rubino asked who serves as chairman. Todd said Christie Hirsch. Judy asked what the terms are. Todd gave the terms.

Commissioner Weter entertained a motion to enact order #1-29-15-01 having to do with adoption of regulations of P&D in Christian County.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Bill Barnett, Western Commissioner
<b>SECONDER:</b>	Ray Weter, Presiding Commissioner
<b>AYES:</b>	Ray Weter, Bill Barnett

**Motion/Vote - 11:00 AM    Nixa/Ozark Farmers Market**

Discussion - Market Discussion

The meeting was attended by Commission Secretary Julia Maples, Steve Stewart, Robert Palmer, Judy Dollarhite, and David Widner. Amelia Wigton arrived late.

The Commission met with members of the Nixa/Ozark Farmers Market Donna Short, JJ Leek and Diane Price for a discussion about the Market. JJ is asking if they will be allowed to come on Thursday nights on the square starting in March until late September. Ray asked if they voted on it last year? JJ said they voted on it and the market provided insurance. Ray said he doesn't see any reason why it would not be allowed. Bill asked if they would go to the other corner of the yard. JJ said they are usually on the west side. Bill asked if they could be on the south side of the sidewalk because they are getting kickback about the yard being torn up. JJ said the other farmers market might ask for Thursday night back. If you want both to come on Thursday, they are ok with it. Bill said they wanted them to use the same white tents and to join their market. Ray said they haven't heard from the other group but they will talk to them about the yard. Ray asked if they want to share with the other market group and don't want to join the other group? Ray asked if they have an insurance card. JJ said they will purchase a new policy in April and give it to Julia.

Commissioner Weter entertained a motion to authorize the Nixa/Ozark Farmers Market to set up on the square on Thursday nights pending proof of insurance.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Bill Barnett, Western Commissioner
<b>SECONDER:</b>	Ray Weter, Presiding Commissioner
<b>AYES:</b>	Ray Weter, Bill Barnett

### III. Adjournment

The meeting was closed at 11:05 AM  
The Commission is adjourned until Monday, February 2, 2015

  
Ray Weter

Presiding Commissioner, Ray Weter

  
Bill Barnett

Western Commissioner, Bill Barnett

## COUNTY OF CHRISTIAN

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**Planning and Zoning Department**  
 202 West Elm Street  
 Ozark, MO 65721

Telephone (417) 581-7242  
 Fax (417) 581-4623

January 27, 2015

### **Memo Re: Invoicing related to P&Z Conference Room Remodel**

This document is intended to provide clarity relating to warrant #4652 for payment of an invoice submitted by Devan Custom Creations (DCC).

On 9/15/2014 the County Commission reviewed a bid from DCC in the amount of \$4300.00 for the remodel/enlargement of the conference room at the Planning and Zoning Department office in order to accommodate hearings as a cost effective solution to the loss of use of the second floor court room.

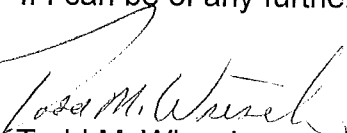
This bid was approved by the County Commission with a scope of work that was to include reuse/repositioning of the existing carpet tiles in the office. See attached.

As the contractor was indeed repositioning the existing floor covering it became apparent that reuse was not a truly viable option due to the disparity in wear amongst the tiles to be reused.

The additional \$965.00 cost for carpet was not a part of the original estimate as all parties involved had the expressed intention of utilizing the existing floor covering.

If you would like, for additional clarity purposes, separate invoices could be provided to help document the two instances.

If I can be of any further assistance please let me know.

  
 Todd M. Wiesehan  
 Administrator

Attachment: Devan remodel P&D estimate (2062 : Approve Minutes & Financials)



**Devan Custom Creations**  
 P.O. Box 432  
 Ozark, MO 65721  
 ph: 417-485-4883  
 ph2: 417-234-4332  
 devancustomcreations@yahoo.com

Sep 10, 2014

Planning & Development ( Todd Wiesehan )  
 202 W Elm  
 Ozark, Mo65721  
 toddwiesehan@christiancountymc.gov

Item	Qty	Price Ea.	Extended Price
Remove existing partition wall between conference room and reception area. Extend existing wall between conference room and reception area creating large conference room. Add partition wall between new conference area and offices. Move existing door to appropriate location. Install new door in appropriate location. Overlay new conference area floor to match existing conference floor. Move all electrical to appropriate location. Move existing cabinets to break room. Move projector screen to appropriate location. Paint new area to match existing. Stain new door to match existing. Install new base where needed. Remove all debris from site.			

9-15-14  
 BB  
 OR RW  
 9/15/14

Attachment: Devan remodel P&D estimate (2062 : Approve Minutes & Financials)



This quote does not include new floor covering. If existing floor covering can be reused we will do so.

4300	4300.00
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<b>Sub Total:</b>	<b>\$ 4300.00</b>
<b>Tax (0%):</b>	<b>\$ 0.00</b>
<b>Total:</b>	<b>\$ 4300.00</b>

*This quote is based on client consultation and is valid for 45 days. All major credit cards accepted with 2.75% transaction fee.*

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Attachment: Devan remodel P&D estimate (2062 : Approve Minutes & Financials)

# Christian County Commission

Ray Weter  
Presiding Commissioner  
Bill Barnett  
Western Commissioner  
Vacant Seat  
Eastern Commissioner

January 29, 2015

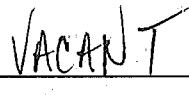
Amanda Adams  
8213 Interlochen Drive  
Nixa, MO 65714

Dear Ms. Adams,

The Christian County Commission voted to appoint you to the SB40 Board for the Developmentally Disabled. You are replacing Shirley McCudden whose term expires August 1, 2017.

We appreciate your willingness to serve on this board and your service to improving the lives of those who have developmental disabilities.

Sincerely,

		
Ray Weter Presiding Commissioner	Bill Barnett Western Commissioner	Vacant seat Eastern Commissioner

Attachment: SB40 appointment of Amanda Adams (2065 : Board Appointment-Amanda Adams)



ORDER NO. 1-29-15-01

**ORDER of the  
CHRISTIAN COUNTY COMMISSION  
OZARK, MISSOURI**

**DATE:** January 29, 2015

**SUBJECT:** Adoption of Amendments to the Zoning Regulations for Christian County, Missouri

**WHEREAS**, Christian County, Missouri desires to coordinate physical development in accordance with its present and future needs; so as to conserve the natural resources of the County, to insure efficient expenditure of public funds and to promote the health, safety, convenience, prosperity and general welfare of its inhabitants; and

**WHEREAS**, the Planning and Zoning Commission has held public hearings in order to obtain public input concerning amendments to the Zoning Regulations for Christian County, Missouri, in accordance with the requirements of Section 64.120 and 64.140 of the Missouri Revised Statutes; and

**WHEREAS**, the Christian County Planning and Zoning Commission has recommended the amendments to the Zoning Regulations for Christian County, Missouri; and

**NOW, THEREFORE**, on this 29th day of January, 2015, at a duly called meeting of the Christian County Commission, having received the report and recommendation of the Planning and Zoning Commission and, after public notice, and in open session, upon motion made by Commissioner Barnett, seconded by Commissioner Weter, and concurred by Presiding Commissioner Weter, the Christian County Commission did vote unanimously to amend the Zoning Regulations for Christian County, Missouri, pursuant to the provisions of Chapter 64.010 through 64.160 of the Revised Statutes of Missouri.

**IT IS HEREBY ORDERED** that the Zoning Regulations for Christian County, Missouri, are hereby amended. Article 52 – PLANNING and ZONING COMMISSION and Article 53 - BOARD OF ADJUSTMENT have been amended as per the attached handout.

**IT IS FURTHER ORDERED** that the amendments to the Zoning Regulations for Christian County, Missouri shall become effective on the 9th day of February, 2015, and a copy of this Order shall be filed in the office of the County Clerk before 5:00 p.m. this date.

Attachment: Ordinance #1-29-15-01 (2063 : Review &amp; Possible Adoption of Amendments to Zoning Regulations)

Done this 29th day of January, 2015, at 10:30 a.m.

CHRISTIAN COUNTY COMMISSION

Ray Weter  
Ray Weter  
Presiding Commissioner

Yes   
Dated: 1/29/15

Vacant  
Commissioner, Eastern District

Yes \_\_\_\_\_  
Dated: \_\_\_\_\_

Bill Barnett  
Bill Barnett  
Commissioner, Western District

Yes   
Dated: 1-29-15

ATTEST:

Norma Ryan D.C.  
Kay Brown  
County Clerk

23385-000\ 383506.doc

Attachment: Ordinance #1-29-15-01 (2063 : Review & Possible Adoption of Amendments to Zoning Regulations)

## ARTICLE 52. PLANNING and ZONING COMMISSION

### Section 1. Members

- A.** Upon the adoption of the County plan there is created in the County a County Planning and Zoning Commission as provided for in 64.215 RSMo which applies to non-charter counties of the first classification. The Christian County Planning and Zoning Commission shall consist of one of the commissioners of the County Commission selected by the County Commission, the County Highway Engineer, both of whom shall serve during their tenure of office, and six residents of the unincorporated territory of the County who shall be appointed by the County Commission.
- B.** The term of each appointed member shall be four years or until a successor takes office, except that the terms shall be overlapping and that the respective terms of the members first appointed may be less than four years.
- C.** Members shall be removable for cause by the County Commission upon written charges and after public hearings.
- D. Officers**  
 At its first meeting in February of each year, the Planning and Zoning Commission shall, by majority vote of its membership (excluding vacant seats) elect one of its members to serve as Chairman, one member to serve as Vice-Chairman, and one member to serve as Secretary. The people so designated shall serve in these capacities for terms of one year. The Chairperson shall serve no more than two consecutive terms in that position. Vacancies in these offices may be filled for the unexpired terms only by majority vote of the Planning & Zoning Commission membership (excluding vacant seats). The Chairman, Vice-Chairman, and Secretary may take part in all deliberations and vote on all issues.
- E. Quorum**  
 A quorum of the Planning and Zoning Commission shall consist of a majority of the membership (excluding vacant seats). A quorum is necessary for the Planning and Zoning Commission to take official action.
- F.** All members of the County Planning and Zoning Commission shall serve as such without compensation, except that an attendance fee as reimbursement for expenses may be paid to the appointed members of the Planning and Zoning Commission in an amount, as set by the County Commission, not to exceed twenty-five dollars for each meeting.

Christian County Zoning Regulations  
Article 52 – Planning and Zoning Commission

2. The presentation of the applicants (limited to 15 minutes).
3. The presentation of parties in support to the applicant's position (limited to 5 minutes).
4. The presentation of parties opposed to the applicant's position (limited to 15 minutes for primary speaker, 5 minutes for each additional).
5. The presentation of testimony by the applicant for the purposes of clarification or rebuttal. Rebuttal testimony shall be limited to new matters made necessary in explanation of matters raised following the applicant's original presentation or in answer to matters so raised and shall not be for the purpose of merely resubmitting or restating matters previously submitted by the applicant in the original presentation. The applicants shall be given three additional minutes for rebuttal argument, if desired.
6. Each person addressing the Planning and Zoning Commission shall step up to the podium, state his name and address for the record, and whether they had been sworn in by the Chairman. Unless further time is granted by the Chairman, the speaker shall limit his/her address to five (5) minutes. All remarks shall be addressed to the Commission as a body and not to any member thereof. No person, other than the Commission and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the Commission, without the permission of the Chairman. No question shall be asked of a member of the Commission except through the presiding officer.
7. Following presentation of all parties and requests related to the case at hand, the public session of the hearing shall be declared at an end by the Chairman so that the Commission may have its own discussion and ask questions as needed to make its decisions.
8. Upon a motion supported by a second, the Chairman shall call for a vote by roll of the members present, thereby rendering the decision or recommendation of the Planning and Zoning Commission.

- a. The Planning and Zoning Administrator shall not accept any applications for any meeting which are not filed at least thirty (30) days prior to said meeting.

## Section 2. Meetings

- A. All meetings of the Board of Adjustment shall be open to the public and held at the call of the Chairman and at such other times as the Board may determine, but unless otherwise specified, the regular meeting shall be the first Tuesday, or Wednesday as an alternate date, of each month at 9:00 a.m. in the conference room of the Planning and Development Office at 202 West Elm Street in Ozark Missouri.
- B. Parliamentary procedure in Board meetings shall be governed by "Roberts Rules of Order, Newly Revised," except as specifically modified herein.
- C. **Continued Meetings**  
Motions for continuance in any case pending before the Board may be granted by the Board, within its discretion, and should for any reason a cause be continued, then such case will be automatically set for hearing on the next regularly scheduled meeting of the Board or at such sooner time appear for such hearing without further notice.
- D. **Tabled Meetings**  
An applicant to the Board may waive this provision by filing in writing, a request that this matter be tabled or by requesting in person or by legal representative, that this matter be tabled, which personal request shall be followed by an identical request in writing.
  1. If the Board tables a matter upon such a request, the Board is required to take action upon such matter following bringing such matter off the table at the next regular meeting of the Board at which such matter may be considered.
  2. All matters tabled for a period of 180 days without substantive amendment or final action shall be denied and removed from the agenda without further action by the Board.
- E. **Voting**  
The concurring vote of two-thirds of the regular board membership shall be necessary to exercise the powers of the Board of Adjustment.
  1. If a motion to reverse or modify is not made then a motion to uphold the decision appealed from shall be in order.
  2. This motion is adopted as the Board's decision if supported by two-thirds of the Board's membership.

- B.** In exercising the above powers, the Board may in conformity with the provisions of statute and the regulations reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.
1. Any owners, lessees or tenants of buildings, structures or land jointly or severally aggrieved by any decision of the board of adjustment or of the county commission, respectively, under the provisions of Chapter 64, or board, commission or other public official, may present to the circuit court having jurisdiction in Christian County, a petition, duly verified, stating that the decision is illegal in whole or in part, specifying the grounds of the illegality and asking for relief there from.
  2. Upon the presentation of the petition the circuit court shall allow a writ of certiorari directed to the board of adjustment or the County Commission, respectively, of the action taken and data and records acted upon.
  3. The court may reverse or affirm or may modify the decision brought up for review.
    - a. After entry of judgment in the circuit court in the action under review, any party to the case may file an appeal to the appellate court having jurisdiction in the same manner now or hereafter provided by law.

### **Section 5. Stay of Proceedings**

- A.** An appeal shall stay all proceedings in furtherance of the action appealed from,
1. unless the officer from whom the appeal is taken shall certify to the board that by reason of facts stated in the certificate a stay would, in his / her opinion, cause imminent peril to life or property.

### **Section 6. Variances**

- A.** The Board of Adjustment is entrusted with powers to modify or vary the regulations, in specific cases, in order that unwarranted hardships, which constitute an unreasonable deprivation of use as distinguished from the mere grant of a privilege, may be avoided, the intended purpose of the regulations being strictly observed and the public welfare and public safety protected.
1. The county Board of Adjustment shall serve as the board of adjustment for the building or setback line regulations.



regulations for such conditions or situation.

## **Section 7. Application for Board of Adjustment Variance and Appeal Hearings**

### **A. Public Notice**

The applicant will provide public notice of the Board of Adjustment hearing by certified mail and newspaper notice. Notice of public hearings shall be posted on the property described in the application for the permit. The notice shall include the time, date and location of said hearing. The notice shall be supplied and posted by the staff at least fifteen (15) days prior to the hearing.

### **B. Application**

Application shall be filed thirty (30) days before a scheduled hearing. All information to be discussed before the Board should in most cases to be submitted fifteen (15) days prior to the scheduled meeting. This will allow sufficient time for the staff to prepare the packets to the Board and give the Board a reasonable amount of time to review the information and to perform an on-site inspection, if needed. Substantial evidence submitted during the hearing may result in continuation or tabling the meeting to allow the Board sufficient time to review all evidence before a decision is made.

Application must be submitted with the following documents:

1. **Application Fee:** Fees must be paid to the department before a hearing can be held. Fees are non-refundable.
2. **Property Description:** Provide a copy of the recorded deed with the legal description attached.
3. **Property Owners:** Provide a list of property owners that was obtained from the Assessor's office.
4. **Reason:** Provide a typewritten description of the applicants reason for the appeal or variance requested.
5. **Plot Plan:** Provide a plot plan and/or a survey of the property. If a setback variance is requested, the survey must have the structure, easements, and property lines included.
6. **Evidence:** Provide any evidence 15 days prior to the scheduled hearing to be sent to the Board of Adjustment.

### **C. Notice Letters**

Notice letters shall be mailed to the applicant and property owner, if

11. Approval of Minutes
12. Unfinished Business
13. Communication
14. Swearing in of All Witnesses
15. Hearings
16. Exceptions
17. Variances
18. Appeals
19. New Business
20. Closed meeting
21. Adjournment

**B.** All witnesses wishing to testify on any matter set for hearing by the Board of Adjustment shall be sworn before testifying.

**C.** Any witness may be cross-examined by any member of the Board.

**D. Meeting Order**

Each case coming before the Board shall be heard in the following order:

9. The presentation of the Planning and Zoning Department or any other public agency and cross-examination of their witness.
10. The presentation of the applicant (limited to 15 minutes for primary speaker, 5 minutes for each additional) and cross-examination.
11. Any public agency.
12. The presentation of parties in support to the applicant's position.( Limited to 5 minutes).
13. The presentation of parties opposed to the applicant's position (limited to 15 minutes for primary speaker, 5 minutes for each additional), not representing any governmental agency, and cross-examination of their witnesses.
14. The presentation of rebuttal testimony by the applicant and cross-examination of the rebuttal witnesses. Rebuttal testimony shall be limited to new matters made necessary in explanation of matters raised following the applicant's original presentation or in answer to matters so raised and shall not be for the purpose of merely resubmitting or restating matters previously submitted by the applicant in his original presentation. The applicants shall be given three additional minutes for rebuttal argument, if desired.
15. Each person addressing the Board shall step up to the podium, state his name and address for the record, and whether they had been sworn in by the chairman. Unless further time is granted by the

**E. Request to Re-schedule Meeting**

No affirmative relief will be granted to any applicant or appellant in any case unless the applicant, appellant, or his agent or attorney appear in person or by affidavit in writing duly verified which meets the required burden of proof, in any case in which the applicant, appellant or his agent or attorney fail to appear either in person or by written verified affidavit and no interested person appears protesting the granting of such relief, then such case will be dismissed by the Board without prejudice to the applicant to request another hearing in the time and manner necessary for the first hearing and upon

- F.** The Board of Adjustment shall adopt rules of procedure consistent with the provisions of the Zoning Regulations and the provisions of Chapter 64 of the Revised Missouri Statutes.

**Section 10. Powers of the Board of Adjustment**

- A.** The Board of Adjustment shall have the power to hear and decide, in accordance with the provisions the Regulations, applications that are properly filed in the manner provided for:
1. Conditional uses,
  2. Special exceptions,
  3. Interpretation of the Zoning Map, or
  4. For decisions upon other special questions on which these Zoning Regulations provide that the Board of Adjustment shall decide.
- B.** In considering an application for a conditional use, a special exception or interpretation of the zoning map, the Board of Adjustment shall give due regard to the nature and conditions of all adjacent uses and structures;
- C.** In authorizing a conditional use or special exception, the Board of Adjustment may impose such requirements and conditions with respect to location, construction, maintenance and operation in addition to those expressly stipulated in these Zoning Regulations for the particular conditional use or special exception as the Board of Adjustment may deem necessary for the protection of adjacent properties and the public interest.

**Section 11. Conditional Uses and Special Exceptions**

- A.** In addition to permitting the conditional uses and special exceptions specified in these Zoning Regulations, the Board of Adjustment shall have the power to permit the following conditional uses and special exceptions:
1. **Nonconforming Uses.** The substitution of a nonconforming use existing at the time of enactment of these Zoning Regulations by another nonconforming use, if no structural alterations, except

- A. Permitting in such parts of any M-2 District as are more than six hundred (600) feet distant from any R District and more than two hundred (200) feet from every other Zoning District except an M-1 or F-1 District,
  - 1. Any of the industries or uses listed in Article 44 and permitted in any M-1 District as an accessory use,
  - 2. Any use permitted in an M-2 District as a principal use, as specified in Article 45.
- B. In doing so, the Board of Adjustment may require the installation, operation and maintenance in connection with the proposed use of such devices or such methods of operation as may, in the opinion of the Board of Adjustment, be reasonably required to prevent or reduce fumes, gas, dust, smoke, odor, water carried waste, noise, vibration or similar objectionable features, and
- C. May impose such conditions regarding the extent of open spaces between such industries or uses and surrounding properties as will tend to prevent or reduce the harm that might otherwise result from the proposed use of surrounding properties and neighborhoods.

#### **Section 14. Temporary Structures and Uses**

- A. Any use designated as temporary such as neighborhood block parties, fairs, and festivals, re-enactments, or outdoor concerts including seasonal uses such as fireworks stands, Christmas tree sales, roadside produce stands, not including those agricultural products grown on-site, but including other uses requiring retail sales must have a conditional use permit to be allowed in any Agricultural or Residential Zoning District.
  - 1. Activities conducted as fund raising events for non-profit organizations such as churches, libraries and museums do not require a conditional use permit so long as they do not exceed six (6) events per calendar year and each event shall not exceed a period of three (3) consecutive days.
  - 2. The Board of Adjustment shall have the authority to allow any conditional use proposed, finding that such use is not inappropriate for neighborhood or for adjacent properties. The Board of Adjustment may make requirements, limitations or conditions with respect to the location, construction, maintenance and operation deemed reasonably necessary for the protection of the neighborhood or adjacent properties.
  - 3. No permit shall be granted for a period exceeding six (6) days except to promote seasonal sales or to allow a reasonable period in which to erect and take down temporary structures.