

THE LIMBAUGH FIRM
—ATTORNEYS AT LAW—
EST. 1916

Memo

To: Jim Roach, Larry Miller, Rodney Bollinger

From: Curt Poore

Date: April 25, 2023

Re: The Required Notice for Public Hearing of Appeal or Variance before Zoning Board of Adjustment

Staff learned that the City Code notice requirement for hearings before the Zoning Board of Adjustment is insufficient according to State statute. Section 89.050, RSMo. requires notice of hearing at least fifteen (15) days published in the newspaper. City Code Sec. 65-28 (b) requires only seven (7) days.

The proposed code amendment adds a subsection for notice that complies with the State statute. Attached is a copy of the proposed ordinance approving the amendment.

It is unclear whether it is necessary to refer to P&Z a correction of an invalid ordinance that fails to comply with the notice requirement contained in the State statute enabling authority. Since it is unclear, in an abundance of caution, I recommend that authority is requested from the Board to submit this issue by application from the City (Larry Miller) to P&Z for its review and consideration so that the procedure for zoning text amendments is followed.

In the interim, I further recommend that notice of appeals and variance are given in compliance with the State statute and as stated in this proposed ordinance.

Please let me know if you have any questions.