

OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

GALERIA OCVINA)	
and)	
SAFETA OCVINA,)	No. ED98860
)	
Appellants,)	
)	
v.)	Appeal from the Circuit Court
)	of the City of St. Louis
THE BOARD OF ADJUSTMENT)	
OF THE CITY OF ST. LOUIS, GEORGE)	
HITT, MONA PARSLEY, IRENE SOLL,)	Honorable Bryan L. Hettenbach
SHARON CUNNINGHAM and)	
JOE KLITZING,)	
)	
Respondents.)	Filed: June 18, 2013

Galeria Ocvina and Safeta Ocvina (collectively Appellants) appeal from the circuit court’s judgment affirming the City of St. Louis Board of Adjustment’s (the Board) decision revoking Appellants’ conditional use and occupancy permits. On appeal, Appellants argue the circuit court erred in affirming the Board’s decision because the Board erred in denying Appellants’ motion to disqualify the Board members pursuant to Section 536.080 or 89.080 RSMo 2006 and the decision was not supported by competent and substantial evidence.

AFFIRMED.

Division One Holds: Appellants failed to sufficiently raise the applicability of Section 536.080 or 89.080 before the Board, thus waiving appellate review. In addition, the judgment affirming the Board’s revocation was supported by competent and substantial evidence upon the record as a whole.

Opinion by: Sherri B. Sullivan, J. Clifford H. Ahrens, P.J., and Glenn A. Norton, J., concur.

Attorney for Appellants: Stephen H. Gilmore

Attorneys for Respondents: Patricia A. Hageman and Robert M. Hibbs

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.
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