



## **CITY OF MANCHESTER**

### **Board of Adjustment**

May 14, 2020

A meeting of the Board of Adjustment of the City of Manchester, Missouri was held at 6:30 p.m. on the 14<sup>th</sup> day of May 2020, on the video conference application, Zoom, for the transaction of such business that came before the Commission.

Present:

Chairman	Kent Goddard
Board Member	Alan Nissenbaum
Board Member	Dan Miller
Board Member	Jeffrey Rupich
Board Member	Anne Altepeter

Also Present:

P&Z Director	Melanie Rippetoe
City Attorney	Joseph Bond
City Clerk	Justin Klocke

#### **Call to Order**

Chairman Goddard called the meeting to order at 6:41 p.m.

#### **Roll Call**

City Clerk Klocke commenced with the roll call. A quorum was present for the transaction of city business.

#### **Approval of Minutes**

Chairman Goddard introduced the minutes from the March 12, 2020 Board of Adjustment meeting for consideration by the Board. There being no discussion, Mr. Nissenbaum made a motion to approve the minutes; Mr. Miller seconded the motion. The motion passed unanimously by voice vote.

#### **Approval of the Agenda**

Chairman Goddard introduced the items on the May 14, 2020 Board of Adjustment Agenda for consideration by the Board. There being no amendments or discussion, Ms. Altepeter made a motion to approve the agenda as submitted; Mr. Nissenbaum seconded the motion. The motion passed unanimously by voice vote.

### **Old Business**

None

### **New Business**

#### **20-V-004**

Chairman Goddard introduced Case No. 20-V-004 and stated that Mr. Jacob Thorne, on behalf of Community Christian Church, owner, is seeking approval of a variance for a sign permit to replace an existing monument sign at the entrance of Community Christian Church located at 623 Meramec Station Road, in the R-4 Single-Family Residential Zoning District.

Chairman Goddard requested that individuals who intend to testify in the case be sworn in. Thereupon, Director Melanie Rippetoe, Mr. Jacob Thorne, and Mr. Les Swaney were duly sworn or affirmed to testify to Case No. 20-V-004.

Chairman Goddard instructed City Attorney Bond to commence with the proceedings of Case No. 20-V-004. City Attorney Bond introduced the following pieces of evidence:

- A. Municipal Code
- B. Staff report written by Melanie Rippetoe, Director of Planning
- C. Map of Property provided by City staff
- D. Application for a variance filed by Mr. Jacob Thorne
- E. Summary of work provided by Mr. Jacob Thorne
- F. Site plan of the area of the property
- G. Rendering of the proposed sign
- H. Rendering of the existing sign to be replaced

City Attorney Bond called on the City's first witness, Director Melanie Rippetoe. City Attorney Bond asked Director Rippetoe to describe in the narrative the facts of the case. Director Rippetoe said Mr. Thorne submitted an application for a sign permit to replace an existing sign on the property at 623 Meramec Station Road. Director Rippetoe reported the proposed sign is shown to be approximately 6 feet 8 inches in height overall and the current sign itself is shown to be 6 feet 5 inches wide by 4 feet 8 inches tall and is approximately 30 square feet, including the circular bump out on the top. Director Rippetoe said the sign is located approximately 7 feet 7 inches from the property line along Meramec Station Road. Director Rippetoe explained to the Board that sign permit application violates the 10-foot setback requirement from the property line for permanent signs for churches in a R-4 Single-Family Residential Zoning District and cited City of Manchester Code of Ordinances Section

405.330(B) for the determination. Director Rippetoe stated the application would require a 2-foot 5-inch variance to comply with municipal code.

Mr. Miller asked if the property at 623 Meramec Station Road was issued a variance for the currently erected sign. Director Rippetoe said staff was unable to locate a variance previously issued to the property for the currently erected sign. Chairman Goddard asked Director Rippetoe to confirm that all requirements for notification of the public according to Missouri Statute and City of Manchester Municipal Code were met. Director Rippetoe confirmed that all requirements for notification of the public were met.

Chairman Goddard instructed the applicants to testify on behalf of the variance request. Mr. Jacob Snowden Thorne, 2228 Babler Valley Lane, Wildwood, MO 63038, said the church is undergoing updates and the sign is part of the update. Mr. Thorne explained a large tree is in the location that the sign is required to be placed according to Section 405.330(B). Mr. Thorne said members of the church do not want to remove the tree; therefore, they are requesting a variance to replace the current sign with a new sign in the existing location.

Mr. Miller asked if the petitioners considered a different location for the sign. Mr. Les Swaney, 13014 Musket Court, St. Louis, MO 63146, said the current location for the sign is optimal because of the availability to run electric to it. Mr. Swaney further explained the sign is used to indicate where individuals should turn to get to the building on the property and would not be feasible to move it to another location.

There being no further questions, Ms. Altepeter made a motion to approve the requested variance of 2 feet 5 inches from the 10-foot setback required by Section 405.330(B) of the City's Code of Ordinances due to the practical difficulties demonstrated by the applicant to allow for the proposed sign to be located approximately 7 feet 7 inches from the property line in the same location of the existing sign. Mr. Nissenbaum seconded the motion. The motion passed unanimously by a roll call vote as follows:

Chairman Kent Goddard	AYE
Board Member Alan Nissenbaum	AYE
Board Member Dan Miller	AYE
Board Member Jeffrey Rupich	AYE
Board Member Anne Altepeter	AYE

## **20-V-005**

Chairman Goddard introduced Case No. 20-V-005 and stated that Mr. Jeff Day, on behalf of Jeff Day and Associates, owner, is seeking a variance from Section 405.340(A)(1) pertaining to the location of a business sign attached to a building located at 14311 Manchester Road, in the C-1 Commercial Zoning District.

Chairman Goddard requested that individuals who intend to testify in the case be sworn in. Thereupon, Director Melanie Rippetoe and Mr. Jeff Day were duly sworn or affirmed to testify to Case No. 20-V-005.

Chairman Goddard instructed City Attorney Bond to commence the proceedings of Case No. 20-V-005. City Attorney Bond introduced the following pieces of evidence:

- A. Municipal Code
- B. Staff report written by Melanie Rippetoe, Director of Planning
- C. Map of property provided by City staff
- D. Application for a variance filed by Mr. Jeff Day
- E. A summary of work, provided by Mr. Jeff Day
- F. Site plan of the property
- G. Rendering of the proposed sign

City Attorney Bond called on the City's first witness, Director Melanie Rippetoe. City Attorney Bond asked Director Rippetoe to describe in the narrative the facts of the case. Director Rippetoe said Mr. Day submitted an application for a sign permit to install a 26.35 square feet sign attached to the building located at 14311 Manchester Road. Director Rippetoe said the property fronts on Manchester Road to the south and abuts properties zoned C-1 Commercial to the north, west, and east. Director Rippetoe explained that the sign's proposed location is on the east side of the building, which does not front on Manchester Road or the main parking area of the development. Director Rippetoe said the proposed sign application violates the requirement that signs shall front a public street or main parking area of a development in a C-1 Commercial Zoning District and cited City of Manchester Code of Ordinances Section 405.340(A)(1) for the determination. Director Rippetoe stated the application would require a variance from Section 405.340(A)(1) to allow for a sign on a wall that does not front a public street or the main parking area of a development.

Mr. Miller asked Director Rippetoe to confirm that all requirements for notification of the public according to Missouri Statute and City of Manchester Municipal Code were met. Director Rippetoe confirmed that all requirements for notification of the public were met. Chairman Goddard asked if City staff received any feedback from the public on the variance request. Director Rippetoe said Staff did not receive public comment for the variance request. Mr. Miller asked who owns the green space on the east side of the building. Director Rippetoe said the green space belongs to the property at 14311 Manchester Road.

Chairman Goddard instructed the applicant to testify on behalf of the variance request. Mr. Jeff Day, 1241 Carman Road, said he purchased the building in 2016 and spent most of that year and the following year renovating it. Mr. Day expressed his concern that signage on the front of the building would not be seen due to the speed motorists carry on Manchester Road. Mr. Day said he is unable to project a sign from the building because a projected sign

would violate MODOT right-of-way. Mr. Day explained that a sign on the green space on the east side of the building is not feasible because of utility lines buried beneath the ground.

Mr. Miller asked why a monument sign cannot be placed in the green space on the east side of the property. Mr. Day said that monument signs tend not to be visually aesthetic and urged the Board to consider approving a simple and clean wall mounted sign. Mr. Nissenbaum asked if the sign would be illuminated. Mr. Day said the sign would have no illumination.

There being no further discussion, Mr. Nissenbaum made a motion to approve the requested variance to allow for a sign on a wall that does not front a public street or the main parking area of the development as required by Section 405.340(A)(1) of the City's Code of Ordinances due to the practical difficulties as demonstrated by the applicant to allow for the placement of the requested sign on the east side of the building. Mr. Miller seconded the motion. The motion passed unanimously by a roll call vote as follows:

Chairman Kent Goddard	AYE
Board Member Alan Nissenbaum	AYE
Board Member Dan Miller	AYE
Board Member Jeffrey Rupich	AYE
Board Member Anne Altepeter	AYE

**Adjournment**

There being no further business, Chairman Goddard adjourned the meeting at 7:28 p.m.

Respectfully submitted,

Justin Klocke  
City Clerk