



## **CITY OF MANCHESTER**

### **Board of Adjustment**

June 11, 2020

A meeting of the Board of Adjustment of the City of Manchester, Missouri was held at 6:30 p.m. on the 11<sup>th</sup> day of June 2020, on the video conference application, Zoom, for the transaction of such business that came before the Board.

Present:

Chairman	Kent Goddard
Board Member	Alan Nissenbaum
Board Member	Dan Miller
Board Member	Jeffrey Rupich
Board Member	J.D. Pohlman

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 6:31 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 May 14, 2020 Board of Adjustment meeting for consideration by the Board. There being no discussion, Mr. Nissenbaum made a motion to approve the minutes; Mr. Pohlman seconded the motion. The motion passed unanimously by voice vote.

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

Chairman Goddard introduced the items on the June 11, 2020 Board of Adjustment Agenda for consideration by the Board. There being no amendments or discussion, Mr. Miller 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-006**

Chairman Goddard introduced Case No. 20-V-006 and stated that Robert and Lisa Renee Pezzani, owners, are seeking a variance from Section 405.210(E)(1)(a) and Section 405.210(E)(1)(b) pertaining to the location of a proposed fence on a lot with an existing home located at 735 Andrew Ryan Lane in the R-4 Single-Family Zoning District.

Chairman Goddard requested that individuals who intend to testify in the case be sworn in. Thereupon, Director Melanie Rippetoe, Mr. Robert Pezzani, Ms. Lisa Pezzani, Mr. Patrick Doyle, and Mr. Brad Heuser were duly sworn or affirmed to testify to Case No. 20-V-006.

Chairman Goddard instructed City Attorney Bond to commence with the proceedings of Case No. 20-V-006. City Attorney Bond introduced the following pieces of evidence:

- A. Municipal Code
- B. Staff Report written by Melanie Rippetoe, Director of Planning
- C. Application for a variance filed by Robert and Lisa Pezzani
- D. A summary of work, provided by Robert and Lisa Pezzani
- E. Rendering of the fence
- F. A Site Plan of the area of the property
- G. Map of property provided by City Staff
- H. Email to Justin Klocke from Dr. and Mrs. Allen Glosson at 403 Ava Renee Drive, dated June 10, 2020 – Not included in packets. To be introduced at meeting by Director Rippetoe.

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 the applicants applied for a fence permit for the property at 735 Andrew Ryan Drive. Director Rippetoe reported the property fronts on Andrew Ryan Lane to the east and Ava Renee Drive to the north and abuts properties zone R-4 Single-Family Residential to the south and west. Director Rippetoe explained the proposed fence would be erected on a corner lot approximately 9.5 feet at its closest point to the north property line. Director Rippetoe said the permit application and site plan do not conform with Section 405.210(E)(1)(a) which requires a minimum 20-foot required front yard setback of the

property and fence. Director Rippetoe said the fence will require a 10.5-foot variance to comply with municipal code.

Director Rippetoe entered into the record public comment that was submitted to City Clerk Klocke.<sup>1</sup> Director Rippetoe confirmed all required public notices for the public hearing according to Missouri Statute and City of Manchester Municipal Code were met.

Mr. Miller asked if the pictures in Exhibit E are a rendering of the proposed fence for the property at 735 Andrew Ryan Lane. Director Rippetoe said the pictures are of a fence on a property that abuts 735 Andrew Ryan Lane. Director Rippetoe added that the fence on the abutting property violates Section 405.210(E)(1)(a) and would also need a variance to comply with municipal code. Mr. Miller asked if the yellow posts in the pictures of Exhibit E are where the proposed fence would be erected for the property of 735 Andrew Ryan Lane. Director Rippetoe confirmed the yellow posts in the pictures of Exhibit E are where the proposed fence would be erected for the property of 735 Andrew Ryan Lane. Mr. Nissenbaum asked for directional confirmation of the location of each property in the area. Director Rippetoe said the fence on the neighboring property abuts the rear yard of the property at 735 Andrew Ryan Lane. Mr. Pohlman asked if the drain would be inside or outside of the fence. Director Rippetoe recommended Mr. Pohlman's question be directed to the applicants.

Chairman Goddard instructed the applicants to testify on behalf of the variance request. Ms. Pezzani said the required setback would be a burden because the 20-foot setback would require the proposed fence to be erected on within an easement of a Metropolitan Sewer District (MSD) drain. Ms. Pezzani explained that the proposed fence would include a gate to allow for ingress and egress of MSD personnel. Mr. Miller asked where the proposed gate would be installed. Ms. Pezzani said the gate would be close to the house. Mr. Miller suggested that applicants consider adding an additional gate to allow for further access by MSD personnel. Chairman Goddard asked the applicants why the public hearing notice sign was removed from the property at 735 Andrew Ryan Lane. Mr. Pezzani said he removed the public hearing notice sign because he landscaped the day before and forgot to replace the sign. Chairman Goddard said the sign should have been replaced after the landscaping was complete and advised the applicants to not remove public hearing notice signs in future occasions.

Chairman Goddard asked members of the public in attendance would testify if they desired. Mr. Patrick Doyle, 730 Andrew Ryan Lane, said the proposed fence would not cause a site line issue. Mr. Doyle said that if the Board is concerned about site line issues, then they should review the community mailbox location because it causes more sight line issues than the proposed fence would. Mr. Doyle notified the Board that he will submit an application for a proposed fence with similar setbacks that is being considered by the Board at the hearing. Mr. Michael McKenna, 734 Andrew Ryan Lane, after being duly sworn or affirmed to testify to Case No. 20-V-006, said that many fences in the City impede sight lines but the

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<sup>1</sup> The written public comment is incorporated to this journal as Exhibit A.

applicants' proposed fence would not. Mr. McKenna said front yard setback requirements in the Municipal Code of Ordinances violate an owner's property rights. Mr. Brad Heuser, 745 Alexander Mark Way, said the proposed fence would not impede sight line and would be advantageous to the neighborhood's aesthetic.

There being no further questions, Mr. Pohlman made a motion to approve the requested variance of 10 feet 6 inches from the minimum 20-foot setback as required by Section 405.210(E) of the City's Code of Ordinances due to the practical difficulties as demonstrated by the applicant to allow for the proposed fence to be located approximately 9 feet 6 inches from the property line at its closest point on the northern property line. 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 J.D. Pohlman	AYE

**Adjournment**

There being no further business, Chairman Goddard adjourned the meeting at 7:22 p.m.

Respectfully submitted,

Justin Klocke  
City Clerk