



## CITY OF MANCHESTER Board of Adjustment

August 13, 2020

A meeting of the Board of Adjustment of the City of Manchester, Missouri was held at 6:30 p.m. on the 13<sup>th</sup> day of August 2020, on the video conference application, Zoom, for the transaction of such business that came before the Board.

**Present:**

Chairman	Kent Goddard
Board Member	Anne Altepeter
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 6:35 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 June 11, 2020 Board of Adjustment meeting for consideration by the Board. Ms. Altepeter recommended amending the minutes to remove the last paragraph and statement of a roll call vote corresponding to that paragraph. There being no further discussion, Mr. Miller made a motion to approve the minutes as amended; Mr. Rupich seconded the motion. The motion passed unanimously by voice vote.

**Approval of the Agenda**

Chairman Goddard introduced the items on the August 13, 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. Pohlman seconded the motion. The motion passed unanimously by voice vote.

**Old Business**

None

**New Business**

Chairman Goddard explained the procedures and requirements to all applicants, and then called the first case.

**20-V-007**

Chairman Goddard introduced Case No. 20-V-007 and stated that Mr. Patrick Doyle and Ms. Melisa Menkovic, 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 730 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 and Mr. Patrick Doyle were duly sworn or affirmed to testify to Case No. 20-V-007.

Chairman Goddard instructed City Attorney Bond to commence with the proceedings of Case No. 20-V-007. City Attorney Bond introduced the City's evidence regarding the lot and the applicable zoning code requirements, including the City's Zoning Code, staff report, the application for a variance as filed by the applicant, images and site plans of the work and property, and public comments received before packets were transmitted to the Board of Adjustment. Chairman Goddard accepted these exhibits and entered them into the record. Additionally, City Attorney Bond called on the City's witness, Director Melanie Rippetoe and asked Director Rippetoe to explain the reason for the denial of the permit and to explain the variance request. Applicant is requesting a variance from the minimum 20-foot front yard setback required by § 405.210.E.1. Director Rippetoe entered into the record any additional public comment that was submitted to City Clerk Klocke.

Mr. Doyle testified as to his request for a variance from the minimum 20-foot front yard setback required by § 405.210.E.1. Mr. Doyle testified that there would be no sightline issues with this variance request. Mr. Doyle also testified that any applicable difficulty would be on subdivision as a whole and that property values would be reduced due to a lack of conformity within the subdivision if the request were not granted.

After discussion, Ms. Altepeter made a motion to approve the requested variance of 12 feet from the minimum 20-foot setback as required by Section 405.210(E).1 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 8 feet from the property line at its closest point to the northern property line as shown on the submitted plans. Mr. Miller seconded the motion. Upon roll call vote, the motion failed by a vote as follows:

Chairman Kent Goddard	AYE
Board Member Anne Altepeter	NO
Board Member Dan Miller	NO

Board Member Jeffrey Rupich	AYE
Board Member J.D. Pohlman	NO

The motion to grant the requested variance was announced failed and the variance was not granted.

**20-V-008**

Chairman Goddard introduced Case No. 20-V-008 and stated that Mr. Gary Smith and Ms. Stephanie Smith, 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 728 Oklahoma Avenue, 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. Gary Smith, and Ms. Stephanie Smith were duly sworn or affirmed to testify to Case No. 20-V-008.

Chairman Goddard instructed City Attorney Bond to commence with the proceedings of Case No. 20-V-008. City Attorney Bond introduced the City's evidence regarding the lot and the applicable zoning code requirements, including the City's Zoning Code, staff report, the application for a variance as filed by the applicant, images and site plans of the work and property, and public comments received before packets were transmitted. Chairman Goddard accepted these exhibits and entered them into the record. Additionally, City Attorney Bond called on the City's witness, Director Melanie Rippetoe and asked Director Rippetoe to explain the reason for the denial of the permit and to explain the variance request. Applicant is requesting a variance from the minimum 20-foot front yard setback required by § 405.210.E.1. Director Rippetoe entered into the record any additional public comment that was submitted to City Clerk Klocke.

Mr. Smith testified as to his request for a variance from the minimum 20-foot front yard setback required by § 405.210.E.1. Mr. Smith testified as to the error by the fence company in installing the fence at the incorrect setback, as well as the financial burden of removing both the fence and the removal and reinstallation of the irrigation system installed on the property if the variance was denied and the fence was required to be moved. Mr. Smith also testified as to the conformity of the subdivision, the fence would not cause sightline issues, and how his fence would line up to his neighbor's fence.

After discussion, Mr. Miller 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 to the northern property line as shown on the submitted plans. Mr. Pohlman seconded the motion. Upon roll call vote, the motion passed by a vote as follows:

Chairman Kent Goddard	AYE
Board Member Anne Altepeter	AYE
Board Member Dan Miller	AYE
Board Member Jeffrey Rupich	AYE
Board Member J.D. Pohlman	AYE

The motion to grant the requested variance was announced passed and the variance was granted.

**20-V-009**

Chairman Goddard introduced Case No. 20-V-009 and stated that Mr. David Bowman and Ms. Diane Dietrich, owners, are seeking a variance from Section 405.190.E.1(a) and Section 405.190.E.1(b) pertaining to the location of a proposed fence on a lot with an existing home located at 903 Totem Woods Court, in the R-2A Single-Family Zoning District.

Chairman Goddard requested that individuals who intend to testify in the case be sworn in. Thereupon, Director Melanie Rippetoe, Mr. David Bowman, and Ms. Diane Dietrich were duly sworn or affirmed to testify to Case No. 20-V-009.

Chairman Goddard instructed City Attorney Bond to commence with the proceedings of Case No. 20-V-009. City Attorney Bond introduced the City's evidence regarding the lot and the applicable zoning code requirements, including the City's Zoning Code, staff report, the application for a variance as filed by the applicant, and images and site plans of the work and property. Chairman Goddard accepted these exhibits and entered them into the record. Additionally, City Attorney Bond called on the City's witness, Director Melanie Rippetoe and asked Director Rippetoe to explain the reason for the denial of the permit and to explain the variance request. Applicant is requesting a variance from the minimum 25-foot front yard setback required by § 405.190.E.1.

Mr. Bowman also testified as to his request for a variance from the minimum 25-foot front yard setback required by § 405.190.E.1. Mr. Bowman testified that if his replacement fence needed to be moved to the 25-foot setback that he would have accessibility issues using his backyard due to his use of a walker. Mr. Bowman also testified if he were required to move his fence from its existing footprint, he would need to remove a 50-year old oak tree. Mr. Bowman also presented a petition from his neighbors in favor of granting the variance, which was included in the City's evidence as variance application materials.

After discussion, Mr. Pohlman made a motion to approve the requested variance of 5 feet from the minimum 25-foot front yard setback as required by Section 405.190(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 in the same location as the existing fence which is located approximately 20 feet at its closest point to the northern property line as shown on the submitted plans. Ms. Altepeter seconded the motion. Upon roll call vote, the motion passed by a vote as follows:

Chairman Kent Goddard	AYE
Board Member Anne Altepeter	AYE
Board Member Dan Miller	AYE
Board Member Jeffrey Rupich	AYE
Board Member J.D. Pohlman	AYE

The motion to grant the requested variance was announced passed and the variance was granted.

**Adjournment**

There being no further business, Chairman Goddard adjourned the meeting at 7:45 p.m.

Respectfully submitted,

Justin Klocke  
City Clerk