



CITY OF MANCHESTER Board of Adjustment

January 13, 2022

A meeting of the Board of Adjustment of the City of Manchester, Missouri was held at 6:30 p.m. on the 13th day of January 2022, 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	Alan Nissenbaum
Board Member	John K. Ottenad

Also Present:

P&Z Director	Todd Streiler
City Attorney	Joseph Bond
City Clerk	Michelle Melugin

Call to Order

Chairman Goddard called the meeting to order at 6:30 p.m.

Roll Call

City Clerk Melugin 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 December 9, 2021 Board of Adjustment meeting for consideration by the Board. Mr. Miller made a motion to approve the minutes as submitted; Ms. Altepeter seconded the motion. Chairman Goddard abstained. The motion passed unanimously by voice vote.

Approval of the Agenda

Board Member Miller wanted to add two items to the agenda. He would like to add a discussion about the subdivision that they are hearing a lot of cases on and would like to add a discussion about getting a training session with all the new members and a refresher for all the current members.

Chairman Goddard made the motion to approve the agenda as amended; Mr. Nissenbaum seconded the motion. The motion passed unanimously by voice vote.

Old Business

None

New Business

Introduction of new City Staff and new Board of Adjustment Members

Director of Planning and Zoning Todd Streiler, New Board Member John Ottenad, and City Clerk Michelle Melugin introduced themselves to everyone.

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

21-V-014

Chairman Goddard introduced Case No 21-V-014 and stated that Stephen “Brad” Heuiser, owner, is seeking a variance for Section 405.210.E1 (a) and 405.610.A in order to erect a fence in front of their residence located at 745 Alexander Mark Way in the City’s R-4 Single-Family Residential Zoning District.

Chairman Goddard requested that individuals who intend to testify in the case be sworn in. Thereupon, Director Todd Streiler, and Mr. Stephen “Brad” Heuiser” were duly sworn in. Thereupon, Director Streiler and Mr. Heuiser were duly sworn or affirmed to testify to Case No. 21-V-014.

Chairman Goddard instructed City Attorney Bond to commence with the proceedings of Case No. 21-V-014. City Attorney Bond introduced the City’s evidence regarding the property and 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. Additionally, City Attorney Bond called on the City’s witness, Director Todd Streiler and asked Director Streiler to explain the reason for the denial of the permit and to explain the variance request. Director Streiler explained that the proposed fence does not meet the City’s Municipal Code, Chapter 405 Article XII which states that fence shall not exceed six feet in height except as may be approved by the Planning and Zoning Commission or pursuant to a special use permit granted by the Board of Aldermen under the terms of Article X, Special Uses. Section 405.210.E.1 (a) states front yard except as hereinafter provided, there shall be front yard having a depth of not less than twenty (20) feet.

Attorney Bond asked Director Streiler what is the size of the variance being requested. Director Streiler answered ten feet of the right of way.

Attorney Bond wanted to clarify that this property is not technically a corner lot. It’s a lot on a curve.

Mr. Heuiser testified as to his request for a variance from that 20-foot setback line. His fence would not interrupt the easement. It would encroach on the required 20 footfront building line. Mr. Heuiser testified that the proposed encroachment would allow him to use more of his

yard. He stated when he purchased the property, he was not aware he didn't have a side yard. He said that the 20-foot setback comes within 6 inches of the foundation of the house. He said that what they didn't realize, he is not sure where that is measured from, but it is not measured from the curb, because it is about thirty-five feet from the corner of the house to the curb. The twenty-foot setback comes very far into their side yard so it makes it hard to fence in anything.

After discussion, Mr. Ottenad made a motion to approve the requested variance to reduce the twenty-foot front yard set back line required by section 405.210.E.1(a) of the City's Code of Ordinances by ten feet to allow for construction of a front yard fence to be located 10 feet from the property line along Alexander Mark Way at its closest as shown on the submitted plans as presented by the applicant at this hearing due to the practical difficulties as demonstrated by the applicant. Mr. Nissenbaum seconded the motion. Upon a roll call vote, the motion passed unanimously as follows:

Board Member Alan Nissenbaum	AYE
Board Member Anne Altepeter	AYE
Board Member Dan Miller	AYE
Board Member John Ottenad	AYE
Chairman Kent Goddard	AYE

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

Discussion Regarding Variances

Board Member Dan Miller stated that this variance is the fourth hearing they have had regarding this subdivision, and he would like someone from the City to go have a conversation with the Homeowners Association to re-enforce what the fence rules are and/or have a clearer direction in their indentures. Attorney Bond stated that usually corner lots can be an issue in many communities. What we are potentially dealing with is the builder is building in 85-90 percent of that buildable lot and it limits what you can do in those setbacks.

Upcoming Training

After a discussion, it was decided that the Board would like a refresher training course. They will have the training before the next hearing.

Adjournment

There being no further business, Mr. Miller made a motion to adjourn the meeting. Mr. Nissenbaum seconded the motion. The motion passed unanimously by voice vote at 7:43 p.m.

Respectfully submitted,

Michelle Melugin
City Clerk