



CITY OF MANCHESTER Board of Adjustment

February 9, 2023

A meeting of the Board of Adjustment of the City of Manchester, Missouri was held at 6:30 p.m. on the 9th day of February 2023, at 200 Highlands Blvd Dr, Manchester, MO 63011, for the transaction of such business that came before the Board.

Present:

Board Member	Alan Nissenbaum
Board Member	Anne Altepeter
Board Member	Mandy Meininger
Board Member	John Ottenad
Board Member	Diane Iezzi

Also Present:

P&Z Director	Andrea Riganti
City Attorney	Joseph Bond
Deputy City Clerk	Cinnamon Mullins

Call to Order

Director Riganti called the meeting to order at 6:34 p.m.

Roll Call

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

Appointment of Chairman

Member Ottenad nominated Member Nissenbaum for Chairman of the Board of Adjustment. The motion was seconded by Member Altepeter and carried unanimously, with no objections from any members of the Board of Adjustment.

Appointment of Vice-Chairman

Member Meininger nominated Member Altepeter for Vice-Chairman of the Board of Adjustment. The motion was seconded by Chairman Nissenbaum and carried unanimously, with no objections from any members of the Board of Adjustment.

Approval of the Agenda

Chairman Nissenbaum introduced the items on the February 9, 2023 Board of Adjustment Agenda for consideration by the Board. Member Ottenad made the motion to approve the agenda as submitted; Chairman Nissenbaum seconded the motion. The motion passed unanimously by voice vote.

Approval of Minutes

Chairman Nissenbaum introduced the minutes from the October 13, 2022 Board of Adjustment meeting for consideration by the Board. Member Ottenad made a motion to approve the minutes as submitted; Member Altepeter seconded the motion. The motion passed unanimously by voice vote.

Old Business

None

New Business

23-V-001

Chairman Nissenbaum introduced Case No 23-V-001 and stated that Amber Kennison of Chesterfield Fence & Deck on behalf of Oliver & Patricia McDougell, owners, was seeking a variance to replace an existing deck at 826 Sugar Hill Drive, maintaining a side yard setback of eight (8) feet from the southern boundary line in lieu of the ten (10) foot setback as required by Section 405.190(E)(2)(a) of the Zoning Code for the residential lot located in the R-2A Single-Family Residential Zoning District.

City Attorney Bond explained the process of the Board of Adjustment meeting.

Chairman Nissenbaum requested that individuals who intend to testify in the case be sworn in. Thereupon, Director Andrea Riganti, Pat McDougell, Oliver McDougell, Barbara Cunningham, Margo Smythe, and Carol Cunningham were duly sworn in or affirmed to testify to Case No. 23-V-001.

City Attorney Bond commenced with the proceedings of Case No. 23-V-001. 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, and emails from neighbors in support.

City Attorney Bond called on the City's witness, Director Andrea Riganti and asked Director Riganti to explain the reason for the denial of the permit and to explain the variance request. Director Riganti explained that the applicant is requesting a variance from the side yard setback requirements regarding the location of a new deck required by Sections 405.190(E)(2)(a). Director Riganti reported that the current deck encroaches in the 10-foot side yard setback by approximately two feet and the proposed deck has the same encroachment.

Director Riganti explained that the current deck on the property was built prior to the property being annexed by Manchester and met St. Louis County's 8-foot setback requirement at the time of construction. She continued that the current deck is classified as a legal nonconformity unless it is to be enlarged, replaced or repaired. Director Riganti clarified for the Board the location of the deck and that neighbors were properly notified of the requested variance. City Attorney Bond explained that the two emails received from the public notification were positive but did not indicate what property they lived at. City Attorney Bond read the emailed comments to the Board.

Ms. Pat McDougell testified to their request for a variance from the 10-foot setback line. She explained that when the house was built the garage and porch were built in line with one another at the 8-foot setback. She continued that the proposed deck follows the houseline. She continued that it did not make sense to bring it to the 10-foot setback aesthetically and could lower the value of the home.

Mr. Oliver McDougell testified that the deck was falling apart and needed to be fixed. He continued that they are proposing in the same footprint as the current deck.

Ms. McDougell answered Member Ottenad’s question explaining that the staircase will be different from the original structure due to updated codes, but nothing on the deck would encroach further than the current deck. Ms. McDougell explained that if the variance denied the existing landscaping under the deck would have to be redone and it would cost a lot of money. She also answered Chairman Nissenbaum’s question saying she was not aware of their homeowners association being notified.

Ms. Barbara Cunningham, owner of 828 Sugar Hill Dr, explained that she lived on the neighboring property, and the deck would not infringe on her property. She continued that she was in support of the proposed deck.

Ms. Margo Smythe, owner of 832 Sugar Hill Dr, explained she was about two houses down from the subject property and was in support of the proposed deck and improvements on the property.

Ms. Carol Cunningham, owner of 829 Sugar Hill Dr, explained she lived across the street from the subject property, and she had no objection to the proposed deck.

After discussion, Member Ottenad made a motion to approve the variance to allow for a new deck to be located within the required ten-foot side yard setback required by Section 405.190(E)(2)(a) of the City’s Code of Ordinances to be located two feet into the side yard setback on the southern side of the property as shown on the submitted plans as presented by the applicant at this hearing due to the practical difficulties as demonstrated by the applicant. Member Altepeter seconded the motion. Upon a roll call vote, the motion passed unanimously as follows:

Board Member Anne Altepeter	AYE
Board Member Mandy Meininger	AYE
Board Member John Ottenad	AYE
Board Member Diane Iezzi	AYE
Chairman Alan Nissenbaum	AYE

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

Adjournment

There being no further business, Member Ottenad made a motion to adjourn the meeting. Member Altepeter seconded the motion. The motion passed unanimously by voice vote at 7:02 p.m.

Respectfully submitted,

Cinnamon Mullins
Deputy City Clerk