



CITY OF MANCHESTER Board of Adjustment

February 10, 2022

A meeting of the Board of Adjustment of the City of Manchester, Missouri was held at 6:43 p.m. on the 10th day of February 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	Mandy Meininger

Also Present:

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

Call to Order

Chairman Goddard called the meeting to order at 6:43 p.m.

Roll Call

Deputy City Clerk Mullins 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 January 13, 2022 Board of Adjustment meeting for consideration by the Board. Member Nissenbaum made a motion to approve the minutes as submitted; Member Altepeter seconded the motion. The motion passed unanimously by voice vote.

Approval of the Agenda

Chairman Goddard noted that 22-V-002 would be deferred. Director Streiler clarified that case 22-V-002 had been withdrawn. Director Streiler recommended that under Item C in New Business the Board address electing a Vice Chairman. Chairman Goddard noted they would add an additional Item D to new business and vote on a Vice Chairman.

Chairman Goddard introduced the amended agenda for consideration. Member Miller made the motion to approve the agenda as amended; Member Altepetter seconded the motion. The motion passed unanimously by voice vote.

Old Business

None

New Business

22-V-001

Chairman Goddard introduced Case No 22-V-001 and stated that Gail & Jeffrey Thomasson, owners of 501 Glan Tai Drive are seeking a variance from Section 405.170.E.1(c) and 405.610.A to install a fence and a deck at 501 Glan Tai Drive. The residence is in the City's R-1 Single-Family Residential Zoning District.

Chairman Goddard requested that individuals who intend to testify in the case be sworn in. Thereupon, Director Todd Streiler, Mrs. Gail Thomasson, and Mr. Jeffrey Thomasson were duly sworn in or affirmed to testify to Case No. 22-V-002.

Chairman Goddard instructed City Attorney Bond to commence with the proceedings of Case No. 22-V-002. 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 applicant is requesting a variance from the setback requirements regarding the location of a proposed fence and deck as required by Section 405.170.E.1(c) and 405.610.A. Director Streiler reported that the proposed fence encroaches in the 30-foot setback by approximately 15 feet and the proposed deck encroaches in the 30-foot setback by approximately 11 feet. Director Streiler noted that the house was constructed 6 inches into the required 30-foot setback; however, this would be considered legally nonconforming.

Mr. Thomasson testified to his request for a variance from the 30-foot setback line. He explained that the current deck was in need of replacement and the proposed increase in footage requiring a variance would allow for access from the kitchen on the side of the home. Mr. Thomasson continued that they would like to place a 4-foot wrought iron fence on the property that would encroach in the setback due to the property being a corner lot.

Mrs. Thomasson testified to the variance request. She explained that the side yard on Lalor is about one third of their lot and they would like to utilize it with the fence, deck, and landscaping. She continued that the lot shape slopes in, so it would look unusual to run the fence parallel to the street with fencing, so the variance is needed to maintain the fence line to follow the side of the home.

Mrs. Thomasson entered in pictures Exhibit A, an image of the existing deck, Exhibit B, an image of the proposed deck, and Exhibit C, an image of the side of the house with the proposed deck, into the record. Mrs. Thomasson answered the Board members questions regarding the location of the existing deck and clarifying the proposed cases.

Director Streiler was called back to the stand and clarified that no neighbors who had been notified of the Public Hearing had contacted the City regarding the case. He responded to

the Board Members questions and explained that the proposed plans would not create any safety issues.

Board Members expressed concerns about the deck wrapping around the home.

After discussion, Member Nissenbaum made a motion to approve the requested variance to reduce the thirty-foot front yard setback line required by section 405.170.E.1(a) of the City's Code of Ordinances by eleven feet to allow for construction of a deck to be located 19 feet from the property line along Lalor Drive 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. Member Altepeter seconded the motion. Upon a roll call vote, the motion was voted on as follows:

Board Member Dan Miller	NAY
Board Member Alan Nissenbaum	NAY
Board Member Anne Altepeter	NAY
Board Member Mandy Meininger	AYE
Chairman Kent Goddard	NAY

The motion to grant the requested variance was announced failed and the variance was denied.

Mr. Thomasson said they would be willing to amend the proposed location according to the Board's recommendation.

After discussion, Member Miller made a motion to approve the amended variance to reduce the thirty-foot front yard setback line required by Section 405.170.E.1(a) of the City's Code of Ordinances up to 4 feet and in line with the northwest corner edge of the house to allow for the construction of a deck to run along the proposed fence line along Lalor Drive 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. Member Altepeter seconded the motion. Upon a roll call vote, the motion passed unanimously as follows:

Board Member Dan Miller	AYE
Board Member Alan Nissenbaum	AYE
Board Member Anne Altepeter	AYE
Board Member Mandy Meininger	AYE
Chairman Kent Goddard	AYE

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

Member Nissenbaum made a motion to approve the requested variance to reduce the thirty-foot front yard setback line required by section 405.170.E.1(a) and Section 405.610.A of the City's Code of Ordinances by fifteen feet to allow for construction of a front yard fence to be located 15 feet from the property line along Lalor Drive 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. Member Miller seconded the motion. Upon a roll call vote, the motion passed unanimously as follows:

Board Member Dan Miller	AYE
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Board Member Alan Nissenbaum	AYE
Board Member Anne Altepeter	AYE
Board Member Mandy Meininger	AYE
Chairman Kent Goddard	AYE

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

Appointment of an Acting Chairperson

City Attorney Bond explained the process for Chairman and Acting Chairman election procedures. The Board discussed options of an elected Acting Chairperson or having a rotating Acting Chairperson and when they would be appointed. After discussion it was decided that Member Miller would be the first Acting Chairman and if he is unavailable then Member Nissenbaum.

Adjournment

There being no further business, Member Altepeter made a motion to adjourn the meeting. Member Miller seconded the motion. The motion passed unanimously by voice vote at 8:30 p.m.

Respectfully submitted,

Cinnamon Mullins
Deputy City Clerk