



CITY OF MANCHESTER Board of Adjustment

June 3, 2021

A meeting of the Board of Adjustment of the City of Manchester, Missouri was held at 6:30 p.m. on the 3rd day of June 2021, on the video conference application, Zoom, for the transaction of such business that came before the Board.

Present:

Chairman	Kent Goddard
Board Member	Dan Miller
Board Member	Alan Nissenbaum
Board Member	Jeffrey Rupich
Board Member	Anne Altepeter

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 6:30 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 13, 2021 Board of Adjustment meeting for consideration by the Board. Ms. Altepeter made a motion to approve the minutes; Mr. Nissenbaum seconded the motion. The motion passed unanimously by voice vote.

Approval of the Agenda

Chairman Goddard introduced the items on the June 3, 2021 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; Ms. Altepeter seconded the motion. The motion passed unanimously by voice vote.

Old Business

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

21-V-005

Chairman Goddard introduced Case No. 21-V-005 and stated that Dwayne Keith Sanders, owner, is seeking a variance from Section 405.165(B) pertaining to district regulations, in order to install a garage that exceeds 500 square feet at single-family home located at 10 Elannchester Drive in the R-1 Single-Family Residential Zoning District.

Chairman Goddard requested that individuals who intended to testify in the case be sworn in. Thereupon, Planning and Zoning Director Rippetoe, Mr. Dwayne Sanders, and Ms. Jeanette Sanders were duly sworn or affirmed to testify to Case No. 21-V-005.

Chairman Goddard instructed City Attorney Bond to commence with the proceedings of Case No. 21-V-005. City Attorney Bond introduced the City's evidence regarding the property 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 Rippetoe, and asked her to explain the reason for the denial of the permit and to explain the variance request. Director Rippetoe explained that the applicant is requesting a variance from the maximum size requirement for accessory buildings of 500 square feet as required by Section 405.165(B). Director Rippetoe reported that the proposed addition meets the City's regulations except for size as it is shown to be 552 square feet and will require a variance of 52 square feet in area over the permitted 500 square feet.

Mr. Sanders testified that the accessory building will be used to store vehicles and various lawn equipment that are too large to store in the attached garage. Mr. Sanders said they considered adding to the existing garage, but they believed it would not be feasible due to the location of the garage on the property. Mr. Sanders reported that their home is on three quarters of an acre lot, which is large enough for the proposed accessory building.

After discussion, Mr. Nissenbaum made a motion to approve the requested variance of 52 square feet from the maximum allowable size of an accessory building of 500 square feet required by Section 405.165 of the City's Code of ordinances due to the practical difficulties as demonstrated by the applicant to allow for the proposed accessory building/garage totally 552 square feet to be constructed as shown on the submitted plans. Mr. Miller seconded the motion. Upon a roll call vote, the motion passed unanimously as follows:

Chairman Kent Goddard	AYE
Board Member Anne Altepeter	AYE
Board Member Dan Miller	AYE
Board Member Alan Nissenbaum	AYE
Board Member Jeffrey Rupich	AYE

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

21-V-006

Chairman Goddard introduced Case No. 21-V-006 and stated that Jessica and Josh Martsolf, owners, are seeking a variance from Section 405.190(E)(1) and 405.610(A) pertaining to district regulations, to install a fence that encroaches on the front yard setback of an existing single-family home located at 716 Big Bend Woods Drive in the R-2A Single-Family Residential Zoning District.

Chairman Goddard requested that individuals who intended to testify in the case be sworn in. Thereupon, Planning and Zoning Director Rippetoe and Mrs. Jessica Martsolf were duly sworn or affirmed to testify to Case No. 21-V-006.

Chairman Goddard instructed City Attorney Bond to commence with the proceedings of Case No. 21-V-006. City Attorney Bond introduced the City's evidence regarding the property 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 Rippetoe, and asked her to explain the reason for the denial of the permit and to explain the variance request. Director Rippetoe explained that the applicant is requesting a variance from the maximum 25-foot building setback requirement for the proposed fence as required by Section 405.190(E)(1). Director Rippetoe reported that the proposed addition meets all the City's regulations except for its location.

Mrs. Martsolf testified that the home was built in 1971, prior to the annexation by the City of Manchester and that the dwelling structure is not situated in a way to allow for a 25-foot setback from the property line. Mrs. Martsolf said that if the fence was erected according to the 25-foot setback, it would be within the building line. Mrs. Martsolf explained that a fence was built by the previous owners and the intent is to rebuild the fence in the footprint of the previous fence. Mrs. Martsolf said the selected material and size of the fence would be visually appealing and would not be within the sight distance triangle. Mrs. Martsolf explained that she communicated with the adjacent property owners about the proposed fence and reported that none of the property owners opposed the construction of the fence. Mrs. Martsolf said the construction of the fence in the proposed location would enable her family to fully utilize the lot as its size was a key feature that led to the purchase of the property.

After discussion, Mr. Nissenbaum made a motion to approve the requested variance allowing for the construction of a front yard fence on a corner lot, which the fence shall be 20 feet from the minimum 25-foot setback for a corner lot as required by Section 405.190(E) and Section 405.610(A) 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 five feet from the property line at its closest point to the property line along Wheelwright Road as shown on the submitted plans. Ms. Altepeter seconded the motion. Upon a roll call vote, the motion passed unanimously as follows:

Chairman Kent Goddard	AYE
Board Member Anne Altepeter	AYE
Board Member Dan Miller	AYE
Board Member Alan Nissenbaum	AYE
Board Member Jeffrey Rupich	AYE

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

New Business

None

Adjournment

There being no further business, Mr. Nissenbaum made a motion to adjourn the meeting. Ms. Altepeter seconded the motion. The motion passed unanimously by voice vote at 7:29 p.m.