



## **CITY OF MANCHESTER**

### **Board of Adjustment**

July 8, 2021

A meeting of the Board of Adjustment of the City of Manchester, Missouri was held at 6:30 p.m. on the 8<sup>th</sup> day of July 2021, on the video conference application, Zoom, for the transaction of such business that came before the Board.

**Present:**

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	Greg Dohrman
City Clerk	Justin Klocke

**Call to Order**

Chairman Nissenbaum called the meeting to order at 6:37 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**

The minutes from the June 3, 2021 Board of Adjustment meeting for consideration by the Board. Mr. Miller made a motion to approve the minutes; Ms. Altepeter seconded the motion. The motion passed unanimously by voice vote.

**Approval of the Agenda**

The items on the June 3, 2021 Board of Adjustment Agenda for consideration by the Board. There being no amendments or discussion, Ms. Altepeter made a motion to approve the agenda as submitted; Mr. Miller seconded the motion. The motion passed unanimously by voice vote.

## Old Business

None

## New Business

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

### **21-V-007**

Chairman Nissenbaum introduced Case No. 21-V-007 and stated that Jeff and Heather Bell, owners, are seeking a variance from Sections 405.200.E. and 405.610.A. in order to erect a fence in the front yard of an existing single-family home located at 824 Winding Path Lane in the R-3 Single-Family Residential Zoning District.

Chairman Nissenbaum requested that individuals who intended to testify in the case be sworn in. Thereupon, Planning and Zoning Director Rippetoe and Mr. Jeff Bell were duly sworn or affirmed to testify to Case No. 21-V-007.

Chairman Nissenbaum instructed City Attorney Dohrman to commence with the proceedings of Case No. 21-V-007. City Attorney Dohrman 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 Dohrman 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 20-foot required building setback requirement for the proposed fence as required by Section 405.200. Director Rippetoe reported that the proposed addition meets all the City's regulations except for its location.

Mr. Bell testified that they would like to replace the existing fence with a new fence. It will be in the same spot as it has been since at least 2000. Mr. Bell said the only change they are making is to remove the section of fence that extends beyond the front building line. Mr. Bell explained the existing fence is 14 foot 2 inches from the property line along Hanna Road, which encroaches into the 20-foot building setback line require by the Code. Mr. Bell said that moving the fence back an additional six feet would reduce the usable space in his yard by half and would look very unusual. Mr. Bell said the current fence is an eyesore to the neighborhood and they are eager to replace it.

After discussion, Mr. Nissenbaum made a motion to approve the requested variance to reduce the 20 foot setback required by Section 405.610(A) and 405.200(E) of the City's Code of ordinances by five feet ten inches and to allow for the construction of a front yard fence on a corner lot to be located 14 feet 2 inches from the property line along Hanna Road as shown on the submitted plans and as present by the applicant at this hearing due to the practical difficulties as demonstrated by the applicant.

Mr. Miller made a motion to amend the Mr. Nisenbaum's motion so that the variance that was to be voted on would also include the additional drawings, maps, and site plans that Mr. Bell submitted to the Board at the hearing. Ms. Altepeter seconded the motion

Upon a roll call vote, Mr. Nissenbaum's motion passed unanimously as follows:

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.

**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.