

**CITY OF MANCHESTER**  
**BOARD OF ADJUSTMENT MINUTES**  
**JUNE 11, 2015**

**ATTENDANCE**

Chairman Kent Goddard – Present  
Vice-Chairman Fred Mayer – Present  
Member Alan Nissenbaum – Present  
Alternate Member J.R. Brown – Present

Member Dan Miller – Present  
Member Stephen Moeckel – Absent

**CITY OFFICIALS**

City Attorney Patrick Gunn  
P&Z Assistant Melissa Barklage

**COURT REPORTER**

Lauren Goodman

**ATTENDEES**

Mr. Robert Zier  
Mr. Joseph Pohlman

Case #15-V-002  
Case #15-V-003

**CALL to ORDER**

Chairman Goddard called the meeting to order at 6:30 p.m. and asked the Planning and Zoning Assistant to call the roll. The record of attendance is shown above.

**APPROVAL OF MINUTES**

A motion to approve the March 12, 2015 minutes as submitted was made by Member Mayer and seconded by Member Nissenbaum. A voice vote was taken, with no opposition. Minutes approved.

**NEW BUSINESS**

- A. CASE #15-V-002** – A variance application submitted by Robert Zier to extend the front yard fence and build a retaining wall 60 feet in length beyond the building line by 20 feet at 610 Wren Avenue. The property is zoned R-4 Single Family Residential.

P&Z Assistant Barklage gave the details of the variance case. A permit was submitted by Robert Zier to extend the front yard fence and build a retaining wall 60 feet in length beyond the building line by 20 feet. City Code requires that all fences must meet the front yard setback and any structure, including a retaining wall, built on the lot must adhere to front yard setbacks. The survey, however, that came with the permit application showed that the proposed fence and portion of a retaining wall would be built on the front property line which is an encroachment of 20 feet into the front yard setback. Therefore, a variance is being requested by the petitioner to reduce the front yard setback from twenty (20) feet to zero feet.

P&Z Assistant Barklage noted that the purpose of the fence being placed in front of the yard was to limit any pedestrian traffic on the northeast corner of the property as Mr. Zier's property is adjacent to both Wren Hollow Elementary and Parkway Southwest Middle School. She also noted that they wished to put the section of retaining wall in to maintain the height of the fencing at 6 feet across the front of the property.

Mr. Robert Zier testified that he agreed with the statements made by P&Z Assistant Barklage. Mr. Zier had nothing further to add to the case.

P&Z Assistant Barklage verified the adjacent property owners were notified about the variance request. She noted that the Department received no comments in support of or in opposition to the variance case.

Mr. John Thompson of 675 Fox Hill Estates Dr. spoke as a witness to the case. Mr. Thompson wanted to express his concerns over the portion of the fence that Mr. Zier planned to put up along the rear of his property. He felt that this rear fence would cause trouble for the children who played on the street behind Mr. Zier's property and this fence would limit their ability to access Mr. Zier's property if, for instance, a ball went over into the property. Another local resident spoke for the case and expressed concerns similar to Mr. Thompson's.

With all the questions satisfactorily answered, Member Mayer made the motion to approve the variance of the front yard setback from twenty (20) feet to zero feet. Motion was seconded by Member Miller. The resulting vote was 5-0 in favor of granting the variance.

**B. CASE #15-V-003** – A variance application submitted by Joseph Pohlman to encroach into the rear yard setback by 34 feet for the purpose of building a retaining wall at 597 Arblay Place. The property is zoned R-1 Single Family Residential.

P&Z Assistant Barklage gave the details of the variance case. A permit was submitted by Joseph Pohlman to build a retaining wall in his back yard. City Code requires that any structure built on the lot must adhere to the rear yard setbacks. The survey, however, that came with the permit application showed that the proposed retaining wall would be built one foot from the rear property line which is an encroachment of 34 feet into the front yard setback. Therefore, a variance is being requested by the petitioner to reduce the rear yard setback from thirty-four (34) feet to one (1) foot.

P&Z Assistant Barklage noted that the purpose of the retaining wall being placed in rear of the yard was to increase the yard space for his children in their backyard. Currently there is a slope in the middle of the backyard that may create an environment that is less than ideal for play for his children.

Mr. Joseph Pohlman testified that he agreed with the statements made by P&Z Assistant Barklage. Mr. Pohlman had nothing further to add to the case.

P&Z Assistant Barklage verified the adjacent property owners were notified about the variance request. She noted that the Department received no comments in support of or in opposition to the variance case.

Ms. Diane Bunton of 3 Grellnor Ct. spoke as a witness for the case. Ms. Bunton who is the neighbor to the rear of the property in question, expressed her concerns over the retaining wall being built so close to the property. Ms. Bunton was concerned that the installation of a retaining wall on Mr. Pohlman's property could potentially cause issues with water drainage. Ms. Bunton provided the Board of photographs of the drainage at the rear of the property as well as placement of utilities. These photographs were entered as Exhibit #6 for the case. Ms. Bunton

also expressed concerns of the retaining wall being built only one foot from the property as it would most likely result in the petitioner having to trespass on her property to build the structure.

Ms. Cheryl Cova from 595 Arblay also spoke as a witness for the case. Ms. Cova expressed concerns similar to Ms. Bunton due to the current drainage issues of the surrounding properties.

With all the questions satisfactorily answered, Member Mayer made the motion to approve the variance of the rear yard setback from thirty-five (35) feet to one (1) foot. Motion was seconded by Member Nissenbaum. The resulting vote was 0-5 in favor of granting the variance. The variance was not granted.

Mr. Pohlman asked the Board to amend his request to a variance from thirty-five (35) feet to three (3) feet for the purpose of his building a retaining wall.

With all the questions satisfactorily answered, Member Miller made the motion to approve the variance of the rear yard setback from thirty-five (35) feet to three (3) feet. Motion was seconded by Member Nissenbaum. The resulting vote was 5-0 in favor of granting the variance.

#### **ADJOURNMENT**

The meeting adjourned with a motion by Member Miller and seconded by Member Nissenbaum at 7:45 p.m.