CITY OF MANCHESTER
BOARD OF ADJUSTMENT MINUTES
March 12, 2020

ATTENDANCE

Chairman Kent Goddard - Present
Member Alan Nissenbaum- Present
Member Dan Miller- Present
Member J.D. Pohlman - Present
Member Anne Altepeter - Present

CITY OFFICIALS

Joseph E. Bond, City Attorney
Melanie Rippetoe, Planning and Zoning Director

COURT REPORTER

Lauren Goodman

ATTENDEES

Laurence Rusbarsky
Patricia Heage
Kimberly Von Minden
Shauna McCleaig

CALL TO ORDER

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

APPROVAL OF MINUTES

A motion to approve the minutes from the meeting held on February 13, 2020, as amended, was made by Member Nissenbaum and seconded by Member Miller. The minutes were approved 4-0, with Member Altepeter abstaining.

OLD BUSINESS

NEW BUSINESS

CASE #20-V-003

Director Rippetoe gave the details of the variance case:

Laurence Rusbarsky, owner, is seeking a variance from Section 405.170.E.2., pertaining to the side yard setback, in order to replace an existing deck on a single-family home located at 808 Boleyn Place, in the R-1 Residential Zoning District. The property fronts on Boleyn Place to the north and abuts properties zoned R-1 Single-Family Residential to the west and east and properties zoned R-3 Residential to the south.

The plans show the replacement of an existing deck with an alteration to the location of the stairs. The deck is shown to be approximately 5.17 feet at its closest point to the

east property line. The lot is shown to be 87 feet wide, thus requiring a side yard setback of 8.7 feet.

Director Rippetoe explained that the deck will require a 3.53-foot variance from the 8.7-foot side yard requirement in Section 405.170.E.2 of the Zoning Regulations. Director Rippetoe reported that she received two phone calls regarding the case, both of which were present to testify. She clarified that the proposed deck would not encroach further into the setback than the existing deck which is noncompliant and does not have a variance.

Testimony #1 -Laurence Rusbarksy, owner, presented. He explained that the current deck was the same from the purchase of the home in 1991 and needed to be replaced. The proposed deck would be the same footprint with the exception of the stairs moving. Mr. Rusbarksy said he spoke with many neighbors and none had an issue with he proposed project.

Testimony #2 - Patricia Heage stated that she was the next-door neighbor on the side that the variance is requested. She explained that she opposed the variance because the original deck never got permits or a variance and she worried about the safety of the deck.

Testimony #3 - Kim Von Minden, power of attorney for Patricia Heage, explained that she was opposed to the variance based on its proximity to the property at 810 Boleyn Pl. Ms. Von Minden entered into evidence documents she labeled as Exhibit A, the subdivision plat, and Exhibit B, the .pdf used to present. She explained that if the variance were approved there would be more risk of a fire since the side yard setback would not be met and that the design did not conform to that of the rest of the neighborhood.

Attorney Bond entered Ms. Von Minden's exhibits into the record.

Testimony #4 - Shauna McCleaig stated that she was neighbor in the rear of the property. She stated that she was opposed to the variance because the aesthetic design presented did not match the neighborhood.

In response to the testimony of his neighbors, Mr. Rusbarksy expressed financial concerns for changing the entire design.

The variance of case 20-V-003 failed for lack of a motion.

BOARD OF ADJUSTMENT COMMENTS

ADJOURNMENT

Chairman Goddard adjourned the meeting at 7:55 p.m.

Respectfully Submitted by:

Melanie Rippetoe, Director of Planning, Zoning and Economic Development