



CITY OF MANCHESTER Board of Adjustment

March 11, 2021

A meeting of the Board of Adjustment of the City of Manchester, Missouri was held at 6:30 p.m. on the 11th day of March 2021, 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	J.D. Pohlman

Also Present:

City Administrator	Larry Perney
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 November 12, 2020 Board of Adjustment meeting for consideration by the Board. Mr. Miller made a motion to approve the minutes; Mr. Pohlman seconded the motion. The motion passed unanimously by voice vote.

Approval of the Agenda

Chairman Goddard introduced the items on the March 11, 2021 Board of Adjustment Agenda for consideration by the Board. There being no amendments or discussion, Mr. Nissenbaum made a motion to approve the agenda as submitted; Ms. Altepeter seconded the motion. The motion passed unanimously by voice vote.

Old Business

None

New Business

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

21-V-001

Chairman Goddard introduced Case No. 21-V-001 and stated that Cyrious Building Arts LLC, on behalf of Curt and Nickie Bennet, owners, is seeking a variance from Section 405.165 pertaining to Accessory Structures, to construct a detached garage on a lot located at 518 Joyce Ann 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, City Administrator Perney, Mr. Tony Cyr, Mr. Curt Bennet, and Ms. Nickie Bennet were duly sworn or affirmed to testify to Case No. 21-V-001.

Chairman Goddard instructed City Attorney Bond to commence with the proceedings of Case No. 21-V-001. 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, City Administrator Perney and asked him to explain the reason for the denial of the permit and to explain the variance request. City Administrator Perney explained that the applicant is requesting a variance from the maximum size of accessory buildings of five hundred (500) square feet as required by Section 405.165(B). City Administrator Perney further reported that the application is requesting a variance from Section 405.165(C), which required that an accessory building be located behind the principal structure and be setback from the side and rear property lines by at least five (5) feet and/or the distance of any easement.

Mr. Cyr testified as to the request for the variances and explained that a utility easement existed through the middle of the property behind the principal structure and that placement of the accessory building would encroach on the easement. Mr. Cyr said that attaching the garage to the home would not be possible as the electric meter, natural gas meter, and communications systems are mounted to the side of the house the accessory building would be located at. Mr. Cyr said the property owners considered constructing the accessory building beyond the easement behind the principal structure, but this option would cause grade and drainage issues for runoff water that flows through the rear of the property. Mr. Cyr reported that the accessory building would house a number of the property owner's vehicles and other accessories that are used frequently.

After discussion, Mr. Pohlman made a motion to approve the requested variance to allow for the accessory building to be built on the side of the principal structure rather than behind the principal structure as 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 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 J.D. Pohlman	AYE

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

Mr. Miller made a motion to approve the requested variance of twenty-five (25) square feet from the maximum allowable size of an accessory building of five hundred (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 to be constructed as shown on the submitted plans. Ms. Altepeter seconded the motion. Upon a roll call vote, the motion failed unanimously as follows:

Chairman Kent Goddard	NAY
Board Member Anne Altepeter	NAY
Board Member Dan Miller	NAY
Board Member Alan Nissenbaum	NAY
Board Member J.D. Pohlman	NAY

The motion to grant the requested variance was announced failed and the variance was not granted.

21-V-002

Chairman Goddard introduced Case No. 21-V-002 and stated that Mandy Meininger, owner, is seeking a variance from Section 405.610(A) pertaining to fences, to erect a fence in the front yard of an existing single-family home located at 411 Hanna Road 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, City Administrator Perney and Ms. Mandy Meininger were duly sworn or affirmed to testify to Case No. 21-V-002.

Chairman Goddard instructed City Attorney Bond to commence with the proceedings of Case No. 21-V-002. 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, City Administrator Perney and asked him to explain the reason for the denial of the permit and to explain the variance request. City Administrator Perney explained that the applicant is requesting a variance from Section 405.610(A), which states that fences cannot be constructed in front of a building.

Ms. Meininger testified as to the request for the variances and explained that a large number of vehicles travel in front of the property, which raises concerns for her child's ability to participate in activities in the front yard. Ms. Meininger said that the unusual positioning, easement, dimensions, and sloping of the property causes most of the usable areas to be at the front and side yards of the house. Ms. Meininger reported that due to their location near

Schroeder Park, there is an increased amount of foot traffic with animals that cut through their property and often leave pet excrement on their property. Ms. Meininger said a front yard fence would reduce this cut through traffic and increase the safety of her family as they utilize their front yard.

After discussion, Ms. Altepeter made a motion to approve the requested variance to allow for the proposed fence to be constructed in the front yard of the property and within the sight triangle created by the property's driveway as otherwise prohibited by 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 three (3) foot tall fence to be constructed within the front yard and sight triangle of 411 Hanna Road as proposed in the submitted plans. Mr. Nissenbaum seconded the motion. Upon a roll call vote, the motion failed with the roll call as follows:

Chairman Kent Goddard	NAY
Board Member Anne Altepeter	NAY
Board Member Dan Miller	ABSTAIN
Board Member Alan Nissenbaum	NAY
Board Member J.D. Pohlman	NAY

The motion to grant the requested variance was announced failed and the variance was not granted.

21-V-003

Chairman Goddard introduced Case No. 21-V-003 and stated that Jordan and Grace Krueger, owners, are seeking a variance from Section 405.200(a) pertaining to district regulations, to construct an addition that encroaches on the side yard setback of an existing single-family home located at 706 Whitewillow Lane in the R-3 Single-Family Residential Zoning District.

Chairman Goddard requested that individuals who intended to testify in the case be sworn in. Thereupon, City Administrator Perney, Mr. John Paul Melton, Mr. Jordan Krueger, and Ms. Grace Krueger were duly sworn or affirmed to testify to Case No. 21-V-003.

Chairman Goddard instructed City Attorney Bond to commence with the proceedings of Case No. 21-V-003. 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, City Administrator Perney and asked him to explain the reason for the denial of the permit and to explain the variance request. City Administrator Perney explained that the applicant is requesting a variance from the eight (8) foot side yard setback as required by Section 405.200(a). City Administrator Perney reported that the proposed addition meets all of the city's regulations except for the side yard encroachment and the addition is shown to be in line with the existing home, which is approximately 6.5 feet from the south side yard; the home was constructed in 1969, prior to annexation under St. Louis County's regulations, and therefore is considered to be a legal non-conformity.

Mr. J.P. Melton testified as to the request for the variance and explained that the addition will be a family room and it would be logical to the property owners to maximize the space of the

addition as much as possible. Mr. Melton said the design of the improvement would have to be significantly altered if the variance was not granted. Mr. Melton explained that he tested alternative designs that would abide by the Code of Ordinances requirement, but the design would not be feasible for the homeowner as it would alter the intended use of the proposed addition. Mr. Melton said the addition conforms with the building footprint.

After discussion, Mr. Pohlman made a motion to approve the requested variance of 1.5 feet from the minimum eight (8) foot side yard setback required by Section 405.200(E)(2)(a) of the City's Code of Ordinances due to the practical difficulties as demonstrated by the applicant to allow for the proposed home addition to the existing single-family home to be constructed 6.5 feet from the property line at its closest point as proposed in 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 J.D. Pohlman	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 8:33 p.m.

Respectfully submitted,

Justin Klocke
City Clerk