

**CITY OF MANCHESTER**  
**BOARD OF ADJUSTMENT MINUTES**  
**APRIL 10, 2014**

**ATTENDANCE**

Vice-Chairman Kent Goddard – Present  
Member Dan Miller – Present  
Member Steven Moeckel – Present

Member Alan Nissenbaum - Present  
Member Fred Mayer - Present

**CITY OFFICIALS**

City Attorney Patrick Gunn  
P&Z Director Franz Kraintz

**COURT REPORTER**

Ms. Lauren Goodman

**ATTENDEES**

Alternate Member Richard Baumann  
Mr. & Mrs. James Kirk  
Mr. Richard Powell

Case #14-V-01  
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**CALL to ORDER**

Vice-Chairman Goddard, in the absence of a Chairman, called the meeting to order at 6:30 p.m. and asked the Planning and Zoning Director to call the roll. The record of attendance is shown above.

**APPROVAL OF MINUTES**

A motion to approve the November 14, 2013 minutes as submitted was made by Member Mayer and seconded by Member Miller. Approved.

**APPROVAL OF AGENDA**

The election of new officers was rescheduled in the agenda to occur after hearing of the case below.

**CASES**

**CASE #14-V-01** – A variance request submitted by James Kirk to vary the required accessory building setback from the principal structure from 10 feet to 1 foot for the purpose of building a studio outbuilding at 947 Century Oaks Dr. The property is zoned R-2A Single Family Residential.

Director Kraintz explained that the applicant wishes to build a studio in the rear yard of his residence at 947 Century Oaks. The studio will be very small, no larger than 8 by 10 with a 4 foot platform out the front. There is a nook in the layout of principal structure behind the garage where this studio would fit without detection; however, it would be 1 foot from the back of the garage not the required 10 feet.

Director Kraintz stated that his research into the 10 foot separation is derived from the building and fire codes where non-fire-rated structures such as a shed or detached garage containing flammable liquids could pose a fire hazard. Accessory structures that have fire-rated drywall could eliminate that separation requirement.

Director Kraintz noted that since the packet was sent out, Mr. Kirk had revised the layout of his studio and decided to add on to his deck. The new deck with stairs would now join the studio and thus Mr. Kirk planned to turn the studio 90 degrees so the front of it would face the principal structure and not straight to the back yard. Mr. Kirk had also told him that by re-orienting the shed and slightly reducing its size, it would be two (2) feet away from the principal building. He said Mr. Kirk was intending to finish the inside with a fire-rated drywall.

Director Kraintz stated that the trustees had sent in a favorable response to the request adding that they preferred the location because it would not be seen by the neighbors. Director Kraintz was asked whether he had contacted the neighbors within 185 feet to which he answered in the affirmative and added that he received no comments, written, verbal or otherwise, about the proposal.

Member Nissenbaum asked if the Kirk's were to move, what would happen if the studio were converted to a shed. Given the design, detail and cost of the studio, it was felt that subsequent owners would not ruin a studio like this to merely use it as a shed but if they indeed wanted to there would be nothing to stop them.

Mr. Kirk was asked if he heard the comments made by Director Kraintz. He said he had and did not offer any corrections or additions. He said the project had grown and now that they wanted to have the deck stairs come down a different way towards the side yard rather than rear yard, they could connect the two quite well. He said he needed a studio as a place to work and so his wife could have him out of the house.

Mr. Kirk agreed that putting the studio in the middle of the yard would nullify the play area there and the City will be going through over the next few months to re-stabilize the channel back there so this he figured was the best spot.

A resident, Mr. Richard Powell, of 962 Century Oaks asked to be heard. He stated he wanted to know if everything was going to be built to meet code. Director Kraintz described that the applicant will have to furnish construction drawings in order to get permits and for him to build he will have to meet codes.

Member Moeckel made the motion to approve a variance for an accessory structure to be two (2) feet away from the garage and seven (7) feet away from the principal house. Seconded by Member Mayer. The resulting vote was 5-0 in favor of granting the variance.

### **ELECTION OF OFFICERS**

A call of officer nominations was made. Member Nissenbaum motioned that Vice-Chairman Kent Goddard become Chairman; seconded by Member Mayer. All approve. Next, a motion was made by Member Miller for Member Mayer to become the next Vice-Chairman; seconded by Member Moeckel. All agreed.

### **ADJOURNMENT**

The meeting adjourned with a motion by Member Miller and seconded by Member Nissenbaum at 7:20 p.m.