

Forest Acres Zoning Board of Appeals
Monday, October 14, 2024
5205 N. Trenholm Road
6:00 PM

Minutes

I. Call to order

1. Determination of a Quorum - A quorum was established with the presence of Robin O’Neil, Derek Pace, Pete Balthazor, Will Owens, and Jesse Smith. Shaun Greenwood, City Administrator, and Keith Lindler, City Building Official, were present.

II. Approval of Minutes

1. September 9, 2024

Mr. Owens made a motion to approve the September 9, 2024 minutes; Mr. Balthazor seconded. The minutes were approved unanimously.

III. New Business

1. Variance Request

1700 Lowder Rd; TMS 14111-11-02; Miles. 12-ft variance request to reduce secondary frontage setback from 35 ft to 23 ft, to accommodate an addition.

Ms. O’Neil introduced the topic and asked if the owner was there to speak about their request.

A representative for the property owner spoke on behalf of the applicant and stated the request for the variance was as stated in the application.

Mr. Greenwood noted that this was a fairly straightforward request, and that the applicant required a variance to reduce the side setback as described in the application.

No one from the audience spoke in favor of or against the request.

Mr. Owens made a motion to approve the request as presented. Mr. Balthazor seconded. The motion was approved unanimously.

2. Variance Request

4499 Chicora St; TMS 13916-12-09; Brown. 5-ft variance request to reduce rear setback for accessory structures from 5 ft to 0 ft, to accommodate accessory structure.

Ms. O'Neil introduced the next item and invited the applicant and his attorney, Mr. Ribock, to explain their application.

Mr. Brown gave a short description of the previous state of the property and the work that he has done to improve it.

Mr. Balthazor asked for clarification of what exactly was being asked for in the variance request. Mr. Brown stated it was for the 5ft setback of the accessory structure to be taken down to zero ft. Mr. Balthazor requested more information on the hardship, which Mr. Brown stated was related to water mitigation and the structure having to be 6 ft away from the principle structure.

Ms. O'Neil recognized a neighbor, Mr. Brian Walters as wanting to speak on the topic. Mr. Walters presented letters from other neighbors in opposition to granting Mr. Brown's variance request. Mr. Walters stated he sent an email to Mr. Brown in November 2023 in relation to the setback requirements per the Forest Acres Zoning Ordinance. He also noticed that the location and slope of the roof of the accessory structure causes rainwater to run down his driveway and into his and another neighbor's backyard.

Mr. Ribock stated that he has spoken to other neighbors who are in favor of the accessory structure and his client, Mr. Brown, has also offered as a resolution to Mr. Walters to add gutters to the roof of the structure. Mr. Ribock also stated that Mr. Brown was under the impression that his initial permit was for everything being done at the property.

Mr. Pace asked for clarification that Mr. Brown's original permit was for renovations of the main house. Mr. Brown confirmed that and he thought it would be all encompassing.

Ms. O'Neil stated that Mr. Brown didn't submit his drawing for the accessory structure when he submitted for the house, which Mr. Brown confirmed.

Mr. Lindler confirmed that the setbacks are measured from the property line to the post or wall of the structure.

Mr. Balthazor mentioned the need for setbacks. Going through the elements of whether a variance can be granted or not, Mr. Balthazor doesn't believe the situation of this structure meets them.

Mr. Owens mentioned his concerns of the building being close to his neighbor's property, and potential for water runoff issues.

Mr. Lindler brought up the issue of what would be considered a normal overhang if the post were moved and the roofline stayed the same.

Mr. Smith made a motion to defer a decision until the next meeting. Mr. Pace seconded the motion. The motion did not pass, 2-3 (with Mr. Owens, Mr. Balthazor and Ms. O'Neil opposed)

Mr. Owens asked for clarification on what would be required of the property owner should the variance be denied. Mr. Greenwood noted that a corrective action plan would need to be submitted with a timetable of it being brought into compliance, or a new variance request would need to be applied for.

Mr. Balthazor made a motion to deny the variance. Mr. Owens seconded. The motion passed 4-1 (with Mr. Smith opposed).

IV. Adjourn

Mr. Balthazor made a motion to adjourn. Mr. Owens seconded. The meeting was adjourned at 6:55 pm.