

**Forest Acres Zoning Board of Appeals**  
**Monday, July 8, 2024**  
**5205 N. Trenholm Road**  
**6:00 PM**

**Agenda**

**I. Call to order**

- 1. Determination of a Quorum** - There was a quorum with the presence of Shirley Fawley, Robin O'Neil, Kate Usry, Derek Pace, Pete Balthazor, Will Owens, and Jesse Smith. Shaun Greenwood, City Administrator, and Keith Lindler, City Building Official, were present.

A recording of the meeting is unavailable due to equipment failure.

**II. Approval of Minutes**

**1. June 10, 2024**

Mrs. Fawley made a motion to approve the June 10, 2024 minutes; Jesse Smith seconded. The minutes were approved unanimously.

**III. New Business**

**1. Variance request**

*3250 Bagnal Drive.; TMS 14001-08-26. Variance request of three feet on side yard setback reducing from ten to seven feet on a non-conforming lot.*

*Ms. O'Neil introduced the topic and asked Mr. Greenwood to provide basic information on the case. 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.*

*A representative from RTS Development spoke on behalf of the applicant and stated the request for the variance.*

*Mr. Balthazor asked for clarification regarding the current nonconforming status of the structure. Mr. Greenwood acknowledged that the current structure was nonconforming, but the variance was required because the applicant was extending the side of the structure with the nonconformity.*

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

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

## **2. Variance request**

*1320 Brentwood Drive.; TMS 14009-02-16. Variance request to increase the 25% lot usage by 1.1% to a total of 26.1% by adding a covered porch and detached garage. Variance request of four feet on right side setback reducing the setback from ten feet to six feet.*

*Ms. O'Neil introduced the topic and asked Mr. Greenwood to provide basic information on the case. Mr. Greenwood noted that this was a fairly straightforward request and that the applicant required a variance to reduce the side setback and to increase the total lot coverage by 1.1% as described in the application.*

*The applicant and her husband presented their application and explained why they need the variances. Additionally, Ms. O'Neil noted that there were letters of support included as part of the packet. The applicant further noted that the neighbor immediately adjacent to the improvements was in the attendance to express support for the application. The neighbor expressed her support from the audience. There were no further comments in support or against the application from the audience.*

*Mr. Smith made a motion to approve the variance as requested. Mrs. Usry seconded the motion. The motion passed unanimously.*

## **3. Variance request**

*355 Spring Lake Drive.; TMS 16802-06-17. Variance request of ten feet reducing the front setback from thirty-five feet to twenty-five feet. Variance request of ten feet reducing the rear setback from twenty feet to ten feet. Both requests are on a portion of the lot and contingent to the lot being subdivided.*

Ms. O'Neil introduced the next item and invited the applicant and his attorney, Mr. Jordan, to explain their application. Mr. Jordan explained their application and after receiving complaints from the neighboring HOA, the applicant was withdrawing the request for the rear setback variance. Mr. Jordan further noted that according to the zoning ordinance, an average of the current setbacks within 100 ft of the location should be used to establish the setback for the proposed structure. This would effectively make it a 25ft setback, which is what is being requested in the variance. Mr. Jordan further noted that another opposition letter stated that the setbacks of the current house are aesthetically pleasing. The front corner of the current building is at 25ft. and not the required 35ft. The applicant also noted the presence of a spring on the property that makes building with the required setbacks very difficult.

Mr. Greenwood asked the applicant to confirm that they are officially withdrawing the request for the rear setback variance. The applicant confirmed.

Ms. O'Neil noted that there were numerous letters of opposition and one letter from the adjoining HOA had six signatures on it.

Ms. O'Neil asked if there was anyone in attendance wishing to speak in favor of or in opposition to the request. Nine people asked a range of questions and voiced their opposition to the request. Mr. Greenwood answered technical questions about the process of subdivision of the property, minimum lot size requirements, and the types of structures that could be built if the variance was not granted.

Mr. Balthazor stated that one of the requirements the Board has to consider is whether the requested variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

Mr. Balthazor made a motion to approve the request as amended by the applicant subject to the condition that the property was properly subdivided. Mr. Owens seconded. The motion was denied 6-1. Mr. Owens voted in favor.

#### **IV. Adjourn**

Mrs. Usry made a motion to adjourn. Mr. Smith seconded. The motion passed unanimously.