



**Forest Acres Zoning Board of Appeals
Minutes
April 8, 2024
City Council Chambers
6:00 PM**

I. Call to order

Robin O'Neil, chair, called the meeting to order at 6:03 PM.

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

II. Approval of Minutes

1. March 11, 2024

Mr. Owens made a motion to approve the March 11, 2024 minutes; Mr. Balthazor seconded. Minutes were approved unanimously.

III. New Business

1. Variance request

5220 Clemson Avenue. (St. Martins in the Field); TMS 14013-06-01. Variance request of an 8' reduction on the front setback along Clemson Avenue from 25' to 17'.

Ms. O'Neil invited St. Martins in the Field representatives to introduce their request. Mr. Clayton King, Parish Administrator, noted that the church has a preschool with a playscape that sits at the 25-foot setback. He noted that they recently secured a grant to improve the safety of the area, including adding a covering. This covering structure would encroach into the setback along Clemson Ave. They're asking for a variance to the setback to accommodate the new structure.

Ms. O'Neil asked Mr. Greenwood for comment. Mr. Greenwood noted that the lot is peculiar because it's shaped like a triangle with frontage on two roads. This creates two 25-foot setbacks with this unusual dual-frontage. Because the structure they're proposing supports a roof, it's considered a building for the purposes of meeting setbacks. Mr. Greenwood went through the criteria for approving a variance (Mr. Balthazor noted that the criteria are laid out in the order and in the packet), noting hardship, whether there's detrimental impact on the neighborhood, and whether it's the least reasonable variance.

Mr. King noted that the structure has to extend beyond the playscape area for safety reasons, according to the builder/designer, and that what they're considering is consistent with other play areas in the area.

Mr. Balthazor asked about the location of the structure and posts vis-à-vis the existing fencing. Mr. King confirmed that the posts for the shade structure would be inside the fence. The board received further clarification on location of the structure, the fencing and the property line and confirmed the minimum needed was an 8' variance to the setback.

Ms. Usry made a motion to approve the variance request. Ms. Fawley seconded. Motion passed unanimously.

2. Variance request

5115 Forest Drive. (Lexington Health, Inc.); TMS 16701-03-03, Variance request of an 8' reduction on the rear setback reducing from 20' to 12'.

Mr. Greeley, an administrator for Lexington Medical, along with two engineering/construction representatives introduced their request by discussing the new facility they constructed on Forest Drive. He showed on a rendering of a building that they're proposing on the old Marlboro Inn site (facing the existing building they just built). Their request is for an 8' setback variance to the rear setback. This would allow them to align the buildings such that they're the same distance from Forest Drive. It would also allow them to reduce the slope of the parking lot, which would be better for those in wheelchairs and with other mobility concerns (in particular cardiology and orthopedic patients anticipated for this location).

An engineering representative provided further discussion of the topographical features of the site (30 foot differential on the property) and the proximity to Forest Drive. He noted that ADA requirements are that there be two ADA accessible entrances on opposite sides of the building, noting that pushing the building back 8 feet drastically reduces the grade differential that folks with mobility issues will have to navigate to access these entrances.

Ms. Fawley asked about the impact of this change on the Lakeshore Dr residential properties that are adjacent to this site. She confirmed the proposed difference between the building and residential property line if the variance is granted. She asked if there's been any feedback from residents on Lakeshore. The Lexington Medical representative noted that this side of the building will have a low-impact employee entrance and that Lexington Medical has only received positive feedback from residents about the recently built project and has received no negative feedback about the proposal up for consideration today. The Lexington Medical representative noted the existing 8-foot wood fencing and use of wax myrtles on the inside of that, both of which screen the property from the adjacent residential areas. Ms. Fawley asked for confirmation that the fencing will continue onto the new proposed site. The Lexington Medical representative noted that they will abide by the

City's screening requirements, which will be consistent with the existing property.

Mr. Balthazor asked for clarification on the peculiarity on this property. The Lexington Medical Representative noted the 20-foot grade change from the east side to the west side and the fact that the two buildings will interact with each other, 'with folks traveling from one to the other (and from the shared parking lot to each building). There's a need to match the grade of the existing property, which can be accomplished with the setback variance.

Mr. Balthazor made a motion to approve the variance request based on the peculiarity of the site. Ms. Fawley seconded. Motion passed unanimously.

IV. Old Business

3. Variance request

1707 Cherry Laurel Drive. (Brock); TMS 14010-08-07. Three variance requests to build an accessory structure and a port a cochere (drive-thru carport):

- 1. 282 additional square feet over the allowed 750 square feet cumulative*
- 2. 5' over the allowed height of 15' to a total of 20' in height cumulative*
- 3. 6.9' to reduce side setback from 10' to 3.1' (on port a cochere)*

The applicant noted that since the last meeting (when they asked for 5 variances), they minimized the impact of the request. Of the three remaining requested variances, two of them were reduced. The setback request for the *port a cochere* has not changed because it aligns with the existing garage which already encroaches in the setback. They are no longer asking for a two story garage and are planning to use existing attic space for storage.

He also showed how they are attaching a portion of the proposed addition to the principal structure, so that the secondary structure setback is no longer an issue. He noted that they are still asking of variances for accessory structures beyond the height and the 750 cumulative square feet. He further noted their efforts at reducing the overall footprint, below 25% lot coverage.

Mr. Balthazor asked about the status of the existing garage. Mr. Brock noted that the builder is going to add attic space such that it doesn't exceed the height requirement in the ordinance, so that no variance is required.

Mr. Brock introduced a neighbor on the side of the port a cochere who noted his support for their project. He also noted positive feedback from other neighbors. Mr. Balthazor noted that no one is present to oppose.

Mr. Fawley made a motion to approve the variance as requested. Mr. Balthazor seconded. Motion passed unanimously.

V. Adjournment

Mr. Balthazor made a motion to adjourn. Mr. Owens seconded. The meeting was adjourned at 6:41 P.M.

Respectfully Submitted,
Andy Smith, Assistant City Administrator/Finance Director
(Administrative support of Zoning Board of Appeals)