



**Forest Acres Zoning Board of Appeals
Minutes
April 11, 2023
City Council Chambers
6:00 PM**

I. Call to Order

Robin O'Neal, Chair, called the meeting to order at 6:00 PM.

- 1. Determination of a Quorum** – There was a quorum with Robin O'Neal, John Kososki, Stephen Oliver, Shirley Fawley, and Pete Balthazor present. Kate Usry and Ryan Newton were absent. Andy Smith, Assistant City Administrator/Finance Director, was also present.

II. Approval of Minutes

1. March 13, 2023

Dr. Kososki made a motion to approve. Mr. Oliver seconded. Motion passed unanimously.

III. New Business

1. Variance Request

*5422 Lakeshore Drive (Ryznshine Properties, LLC); TMS 16706-03-15).
Requesting a height variance to add an additional 9 feet to a privacy fence
increasing the height from 8 feet to 17 feet.*

Ms. O'Neal introduced the topic and invited the applicants to explain their request. The owners noted that this residential property backs up to a gas station (commercial property) and that there's a significant grade change between the two properties such that the ground level of the gas station is roughly at the roof level of the house. There's currently no screening between the properties, aside from an existing chain-link fence. The gas station invites loud conversations, even arguments, and people often stare down into the back yard.

Mr. Bathazor asked how the applicant determined that 17 feet would be needed. The applicant noted that 17 feet would be needed to visually screen the gas station if one is standing on the back deck of the house on the lot.

Dr. Kososki asked about the impact of the gas station's lighting on the property, given the grade change. The applicants noted that they haven't carefully observed the impact of the lighting as they haven't been present at night time; however, they

speculated that the proposed fence (with variance) would help screen lighting as well.

The applicant noted that this is an issue along this street and that there have been previous variances granted to the fence height requirement. There was speculation among Commission members that 17 feet would be the highest fence (and 9ft the largest variance granted) to date. Mr. Smith confirmed that this is likely the largest fence variance granted in recent memory. There was further discussion about the significance of the grade change for this particular piece of property. Dr. Kososki further noted that some of the fencing along these properties have been constructed by the commercial owners abutting the residential lots on Lakeshore; unfortunately, with this property, the commercial owners (the gas station) have not constructed such a barrier.

Mr. Balthazor noted the importance of the fact that this is a residential property abutting a commercial property and that the conditions would be different if this variance was requested for a fence between two residential parcels.

Dr. Fawley made a motion to approve this variance; Mr. Balthazor seconded. Motion passed unanimously.

IV. Old Business

1. Variance request

5213 Trenholm Road. (5213 Trenholm LLC); TMS 14013-02-06 & TMS 14013-02-20. Requesting a variance to reduce the permissible size of five (4) parking spaces from 300 square feet to 162 square feet per space. (WITHDRAWN 4/10/23)

Mr. Smith noted that this item, continued from the last meeting, was withdrawn prior to the meeting.

V. Adjournment

The meeting was adjourned at 6:17 PM.

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