



**Forest Acres Zoning Board of Appeals
Minutes
October 30, 2023
City Council Chambers
6:00 PM**

I. Call to Order

Robin O'Neil called the meeting to order at 6:00 PM.

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

II. Approval of Minutes

1. September 11, 2023

Mr. Owens made a motion to approve. Ms. Fawley seconded with an amendment. Minutes were approved with one small change to the last name of a person who spoke.

III. New Business

1. Variance request

6257 Satchel Ford. (Baker); TMS 14110-05-14. Requesting a variance to increase the lot percentage usage from 25% to 27.31% to accommodate a covered pavilion. A second variance request is to also decrease the accessory structure side setback from five feet to three feet.

The applicant, Mr. Baker, a resident at this location since 1983, gave a presentation to discuss his request. He noted that, due to his current health condition, he's been advised not to be in direct sunlight. He would like to add a 14' x 14' pavilion/gazebo to his back yard to allow him to enjoy the property while being shielded from the sun. He identified the planned location on a plat and showed some pictures of how it would be situated vis-à-vis an existing patio and other structures.

Chair O'Neil turned the floor over to Mr. Smith to provide further context. Mr. Smith noted that the application and public notice were presented in a way that was inaccurate. He clarified that lot coverage is not at issue here (as indicated in the application and public notice). The setback request is correctly stated. However, what's not clearly stated is the square footage variance needed.

Because the City did not get this publicly noticed, we will need to re-notice this and hear it again (perhaps as early as November 20). Mr. Balthazor noted his preference to defer the entire request if there's any concern about public notice. He noted that the error in public notice could render any variance granted subject to challenge.

Ms. Fawley apologetically agreed that we should defer.

Ms. Usry noted that the presentation could be entered into the record for consideration at the next meeting. Mr. Smith confirmed and noted that the applicant could reiterate points if he wished but that the ZBA will at that point be aware of the request.

Mr. Smith noted that the City will work with the applicant on a few edits to the application to make it clearer what is actually needed to accommodate this proposed addition. The City will also ensure proper public notice.

There was further discussion of the variances needed and the timeline requirements for public notice. Mr. Smith noted that we could reschedule the standing November meeting to later in the month (November 20) to provide the quickest turnaround possible.

Mr. Balthazor suggested Mr. Baker's neighbor state on the record his support of the application. The neighbor directly adjacent to this proposed pavilion noted his complete support for the variance requests.

Mr. Balthazor made a motion to defer this item to a to-be-scheduled November meeting. Ms. Usry seconded. Motion passed unanimously.

2. Variance request

3813 John Francis Court. (Crisan); TMS 14006-07-06. Requesting a variance of nine feet to reduce both frontage setbacks from thirty-five feet to twenty-six feet on John Francis Court and Dalloz Road.

The applicant, Mr. Crisan, explained his request. He noted that this corner lot is fairly small and it would be difficult to situate a house on it with the double-front setbacks. He noted issues with the slope of the lot. He noted that the house across the street has a much smaller setback than the current requirements and that granting these variances would be consistent with the neighborhood.

Mr. Balthazor asked if the applicant can build the same size house without the variances as with it. He noted that he could. Mr. Balthazor asked how he decided to request 9 feet. He cited the size and slope of the lot, and the need for a retaining wall, for making this determination.

Mr. Lindler noted that there is significant elevation change in this area.

Mr. Usry noted that the setbacks on Dalloz are smaller and this seems like it would be consistent.

Mr. Balthazor asked if there's a smaller amount of variance that would suffice. He noted that its incumbent upon the board to determine if this is minimum variance needed.

Ms. Fawley made a motion to approve. Mr. Owens seconded. Motion passed 3-1 with Mr. Balthazor opposing.

IV. Adjournment

Mr. Balthazor made a motion to adjourn. Ms. Usry seconded. The meeting was adjourned at 6:38 P.M.

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