



**Forest Acres Zoning Board of Appeals  
Minutes  
September 12, 2022  
City Council Chambers  
6:00 PM**

**I. Call to order**

1. **Determination of a Quorum** – There was a quorum with Pete Balthazor, John Kososki, Stephen Oliver, Shirley Fawley, Robin O’Neil, and Ryan Newton present. Kate Usry was initially absent but arrived at 6:10 p.m. prior to the discussion for item III.2.. Andy Smith, Assistant City Administrator/Finance Director, was also present.

**II. Approval of Minutes**

1. **Aug 8, 2022**

There was some discussion about whether the minutes correctly reflected the action taken on item III.1. (Variance Request – 3139 Travis Court) and some interest in listening to the recording.

**Mr. Kososki made a motion to defer approval of the minutes. Pete Balthazor seconded. Motion passed unanimously.**

**III. New Business**

1. **Variance request**

*3157 Bagnal Drive. (Bell); TMS 14002-04-11. Requesting a 7.3-foot front setback variance and extension of an existing non-conforming secondary front setback of 15.4 feet to accommodate a front porch.*

The applicant presented this request and noted that this is an oddly-shaped corner lot, and the structure is already nonconforming (n.b., as to secondary front setback). The applicant noted that they have already received a variance for a back deck but that this request is for a front porch. The applicant attested that there’s no known opposition to this request from the neighborhood.

Mr. Balthazor asked and received clarification that this would extend an existing nonconformity.

**After further discussion, Ms. Fawley made a motion to approve the variances with the condition that this is for a covered front porch only. Mr. Balthazor seconded. The motion passed 3-2 (ayes: Ms. Fawley, Mr Oliver,**

Mr. Newton; nays: Mr. Kososki, Mr. Balthazor; Ms. Usry abstained as she was not present for the entire discussion; the chair did not vote)

## 2. Variance request

*5202 Lakeshore Drive. (Horton); TMS 16706-03-02. Requesting three variances to build a wall on the back property totaling 10-feet, to reduce a side setback of 2.5-foot side setback, and to increase the lot coverage by 3% to 28% due to lot size.*

The applicant introduced the topic, noting that the house was built in the 1940s and that the lot is smaller than the surrounding lots and that it has an unusual angle and narrowing of the lot towards the back. The rear of the lot also abuts commercial property that fronts Forest Drive. He notes that it's a non-conforming lot for R-1 with respect to size (it's slightly smaller than the minimum for R-1). The next-door neighbor to the lot (on the side that the side setback variance is requested) noted his support for these variances. The applicant noted that the principal structure he's proposing to build on the lot is consistent as to size as surrounding properties and that the proposed rear wall is consistent with surrounding properties as to height. The applicant clarified that he's asking for a wall height that is the same as the adjacent structures, which may be less than the 2-ft variance.

**Ms. Usry made a motion to grant the 2.5 foot side setback variance, the 3% lot coverage variance, and a variance of all height up to 2-ft (for a total wall height of up to 10 feet) with the additional limitation that the wall height can be no higher than the height of the walls at the rear of the adjacent properties. Mr. Oliver seconded. Motion passed 5-1 (ayes: Ms. Usry, Mr. Oliver, Mr. Kososki, Mr. Newton, Mr. Balthazor; nays: Ms. Fawley; the chair did not vote)**

## 3. Variance request

*2250 Atascadero Drive. (Hogg); TMS 14011-04-11. Requesting a 21-foot variance to accommodate a roof to an existing non-conforming deck.*

The applicant presented this request. He noted that he built a deck that, because it was not covered, was not subject to setbacks. However, he wanted 'sails' to provide shade for the deck. Initially, this was not considered a roof for the purposes of determining that this was a part of the principal structure; however, as he added wooded supports to the deck to hold up the sails, the administrative decision was that this became a structure (i.e., part of the principal structure) and subject to setback variances. The property is already non-conforming as to setbacks, and the lot is very unusual for R-1 in Forest Acres.

**Mr. Balthazor made a motion to grant the variance with the condition that the deck not be enclosed at any point without further review by the City. Mr. Kososki seconded. Motion passed unanimously (ayes: Ms. Usry, Mr.**

Oliver, Mr. Kososki, Mr. Newton, Mr. Balthazor; Ms. Fawley; nays: none; the chair did not vote)

#### **IV. Review of ZBA Rules and Procedures**

Mr. Smith noted that this is a continuation of discussion from the last meeting about the committee's rules and procedures. He noted that we will only have discussion tonight and only consider adopting an amended version of the Rules and Procedures document at the next meeting. He also noted that, in discussion with the City Attorney, that we will make the meeting notice requirements consistent throughout the document (at 24-hours). There was further discussion about what constitutes a quorum in the event of members arriving after the meeting has begun or leaving before it ends, as well as in the event of recusal. Throughout the discussion, edits were made to the document based on the discussion. There was interest in being thorough but also succinct and clear.

Mr. Smith noted that he would incorporate the comments from this discussion and any that come from ZBA members after the meeting and submit a revised version to the City Attorney for his review. We will plan to send a revised version to the ZBA for review and potential adoption at the next meeting.

#### **V. Adjournment –**

On a motion by Mr. Balthazor, seconded by Mr. Oliver, the meeting was adjourned at 7:14 p.m.

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