

Forest Acres Zoning Board of Appeals
Monday, December 9, 2024
5205 N. Trenholm Road
6:00 PM

Minutes

I. Call to order

1. Determination of a Quorum

A quorum was determined by the presence of Shirley Fawley, Kate Usry, Will Owen and Jesse Smith. Robin O’Neal, Pete Balthazor and Derek Pace were absent. Andy Smith, Assistant City Administrator/Finance Director, Keith Lindler, City Building Official were also present.

II. Approval of Minutes

1. November 11, 2024

Mr. Smith made a motion to approve the November 11, 2024 minutes; Mr. Owen’s seconded. The minutes were approved unanimously.

III. New Business

1. Variance Request

202 Academy Way; TMS 14014-03-01; RTS Development. 3’9” variance request to reduce right side setback from 10 ft to 6’3” for new home construction.

Ms. Fawley introduced the topic and asked if the owner or applicant was there and wanted to provide any information. No one was there to represent either party for this request. Ms. Fawley asked if the city administration had anything to share in relation to this request. Mr. Lindler stated that this address was granted a previous variance for a garage onto the nonconforming property. The home was then torn down. Mr. Lindler notified the owner and contractor that the plans could now not be approved as City Ordinance 21.6, subpart B, states a property can’t be torn down and rebuilt as a nonconforming use.

Ms. Usry requested the item be moved to the back of the agenda to give the applicant and contract a chance to make it to the meeting. Ms. Fawley agreed as did the rest of the board members.

This item was revisited after item 3 was concluded. Ms. Fawley asked again if the owner or applicant was there to speak about this request. No one from either party had shown up to the meeting. Ms. Fawley then asked if any neighbors were present who wanted to address the board.

Katherine Cuddy, of 211 Academy Way, spoke of her concerns in relation to the number of “Stop Work” orders having been placed on the property. Mr. Lindler stated that he would be the one she would need to talk to him about those issues. He explained the process the city goes through when making decisions on when those types or orders are issued.

Shelley Stokes, of 209 Academy Way, wanted to know if the builder was the same as it’s been throughout the entirety of the project. Mr. Lindler confirmed that was the case.

Ms. Usry made a motion to deny the variance request based on the hardship being related to the previous house’s layout on the property. Since the house has now been torn down, there is no reason that a new house couldn’t be built to the current setback requirements. Mr. Smith seconded the motion. The motion was approved unanimously.

2. Variance Request

3706 Greenleaf Rd; TMS 16811-08-12; Wedding. 6’7” variance request to reduce front setback from 35 ft to 28’5” to accommodate an attached carport/Porte Cochere addition.

Ms. Fawley introduced the next item and invited the applicant/owner to speak about their request.

Ms. Wedding, the owner and applicant, spoke about her reasonings for this request in relation to recent health issues. She spoke to her neighbors, and they are all fine with the project.

Ms. Fawley stated that she drove by the property and noted the issues that were stated in Ms. Wedding’s application.

Mr. Owens made a motion to approve the variance as requested. Ms. Usry seconded the motion. The motion was approved unanimously.

3. Variance Request

100 Barton Bend Ln; TMS 14086-02-14; Cribbs. 10-ft variance request to reduce rear setback from 20 ft to 10 ft, for rear screened porch extension.

Ms. Fawley introduced the next item and asked if anyone was there to speak on behalf of the applicant.

Mr. Cribbs, the applicant, spoke about wanting to downsize from their current home. The back porch on the home in question is narrow and they’d like it be a bit wider as they enjoy the outdoors. His realtor, future neighbors and the neighborhood’s HOA have approved of the project. Other homes have similar back porch sizes.

Ms. Fawley recognized those in the audience in support of this variance request. Mr. Owens noted that other homes in the area had similar layouts to what Mr. Cribbs is requesting. Mr. Lindler explained that this area is zoned R-3 and the 20 ft rear setback was correct, as confirmed by the City Attorney. Ms. Usry confirmed with the applicant that the HOA did approve the back porch expansion.

Mr. Smith made a motion to approve the variance as requested. Mr. Owens seconded the motion. The motion was approved unanimously.

IV. Adjourn

Ms. Usry made a motion to adjourn. Mr. Smith seconded. The meeting was adjourned at 6:26 pm.