

**Notice of a Meeting of the
Board of Adjustment of the City of Litchfield Park**

Pursuant to A.R.S. Section 38-431.02, notice is hereby given to the members of the Board of Adjustment of the City of Litchfield Park and to the general public that the **Board of Adjustment of the City of Litchfield Park, Arizona, will hold a meeting open to the public on Thursday, April 4, 2019, at 7:00 p.m., in the in the Conference Room at City Hall, 214 West Wigwam Boulevard, Litchfield Park, Arizona.** Please notify City Hall at least 48 hours prior to the meeting if you will require accommodation.

David Ledyard, Chairman

Members of the Litchfield Park Board may attend either in person or by telephone conference call.

- I. Call to Order
- II. Pledge of Allegiance
- III. Business

Due to an inaccuracy with the submitted site plan, this item will be continued.

A. Public Hearing: Variance ZA.19-02: 205 W. Alegre Drive

- 1. Staff Report
- 2. Applicant Presentation
- 3. Public Comment

Citizens may ask questions or speak for or against a variance request for property located at 205 W. Alegre Drive to allow an addition to encroach approximately five feet into the required thirty foot front yard setback.

Due to an inaccuracy with the submitted site plan, this item will be continued.

B. Variance ZA.19-02: 205 W. Alegre Drive

Discussion and possible approval of a request for a variance for property located at 205 W. Alegre Drive to allow an addition to encroach approximately five feet into the required thirty foot front yard setback.

C. Election of Officers

Election of Chairman and Vice Chairman to serve the remainder of the 2019/2020 term.

D. Minutes

Possible approval of the minutes of the October 4, 2018; December 6, 2018; and March 7, 2019 meetings.

Information

**Information
Action**

**Information
Action**

**Information
Action**

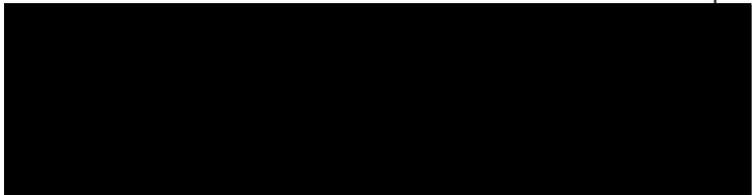
IV. Adjournment

Action



City of Litchfield Park
PLANNING SERVICES
VARIANCE APPLICATION

214 W Wigwam Boulevard
Litchfield Park AZ 85340
(623) 935-5033
(623) 935-5427 FAX



Address and/or Location: 205 W. Alegre Dr.

Christoph Gerz OWNER or AGENT
Name (please print)

205 W. Alegre Dr.
Address Suite #

Litchfield Park AZ 85340
City, State, Zip Code #



I hereby certify that the information contained herein is correct, and that I am authorized to file an application on said property, being either the owner of record or authorized to file on behalf of the owner.

[Signature]
SIGNATURE

Pre-hearing Consultation: has been held is requested (date: _____) is waived

APPLICANT OR REPRESENTATIVE MUST BE PRESENT AT THE MEETING (date tentative)

IF A REPRESENTATIVE WILL BE ATTENDING THE MEETING IN PLACE OF THE OWNER, A LETTER SIGNED BY THE OWNER(S) GRANTING THE REPRESENTATIVE PERMISSION TO REPRESENT THE OWNER MUST BE INCLUDED WITH THIS APPLICATION.

Address and/or Location: 205 W. Alegre Dr.

1. Purpose of Request: To reduce front building setback from 30 feet to 25 feet.

2. How has this property been deprived of privileges enjoyed by similar properties which DO NOT have variances?

It is currently the smallest home on the cul-de-sac (395 sf living space smaller than the average ~~home~~ of the other homes) while the lot is larger than the others on the same cul-de-sac.

3. How does approval change the terms of the ordinance? Reduces building setback from 30 to 25 feet.

4. Is the approval of this variance necessary for the preservation and enjoyment of substantial property rights?

X YES NO Explanation: Due to the layout of the property a variance is necessary in order to enjoy the same property rights of others in the same area.

5. Will the authorization of this variance be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or the public welfare in general? YES X NO Explanation:

This change to the property would make it similar to others in the area. The only alternative would be removing a very large, mature oak tree that adds to the appeal of the neighborhood.

6. Are there special circumstances or conditions applying to the land, building, or use which do not apply to other properties in the district? X YES NO Explanation:

The layout of the property as well as mature foliage leave only this location for an addition to increase the total home square footage in line with other properties on the cul-de-sac.

7. Are the special circumstances, "hardships", self-imposed? YES X NO
(Personal hardship is not grounds for a variance. Economic hardship in itself is not grounds for a variance. The hardship must relate to the physical character of the property.)

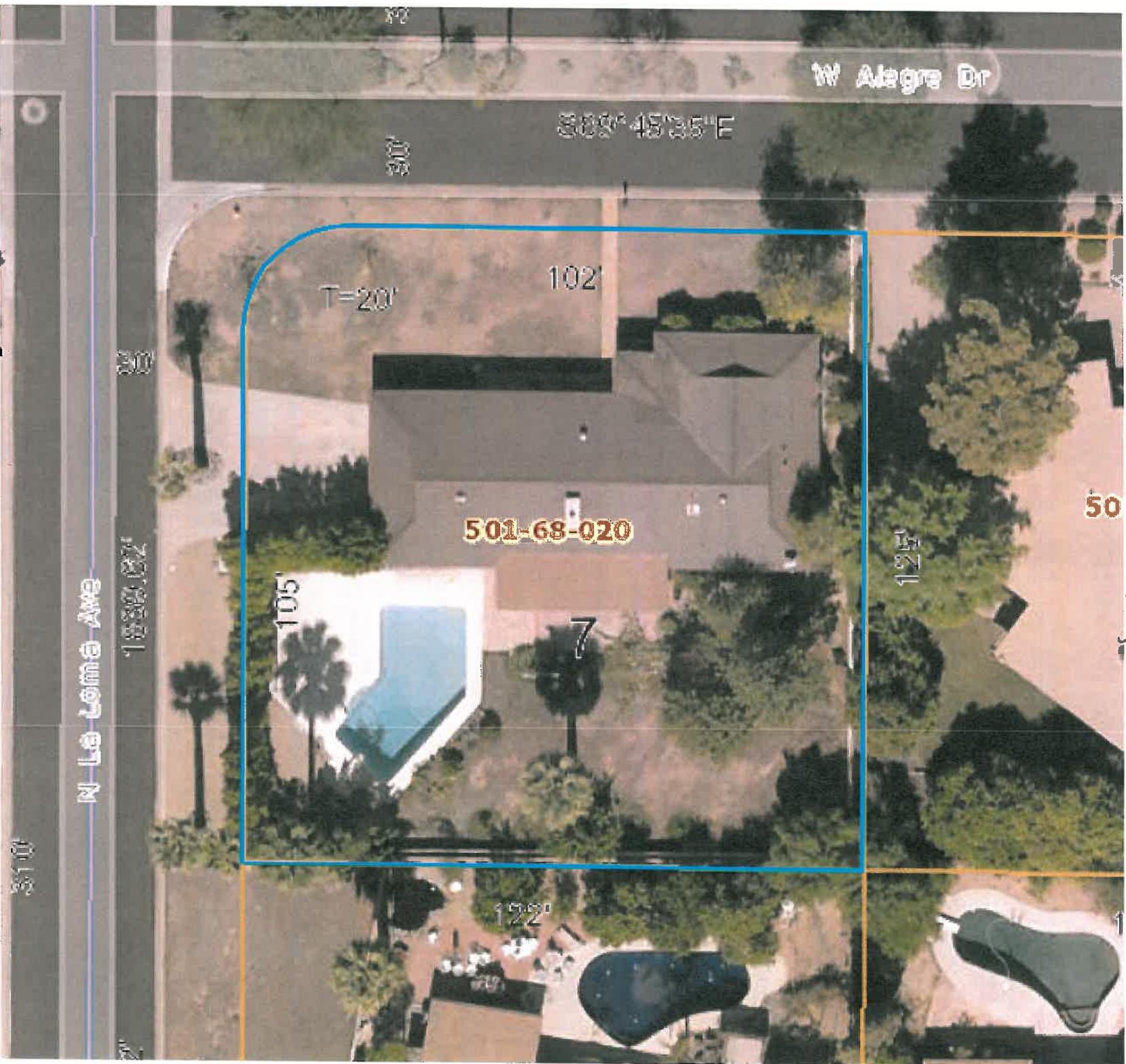
Explanation: We recently purchased the home and did not make any of the decisions that made the front of the property the only viable option for an addition.



Map 205 Alegre



205 Alegre



W Alegre Dr

300° 45' 35" E

300'

T=20'

102'

501-68-020

105'

7

125'

50

205 Alegre

N La Coma Ave

1830.132'

300'

310'

122'

102'

**MINUTES OF THE SPECIAL MEETING OF
THE LITCHFIELD PARK BOARD OF ADJUSTMENT
October 4, 2018**

I. Call to Order

The meeting was held in the Conference Room at City Hall and called to order by Chairman Ledyard at 7:05 p.m.

Present: Chairman Ledyard; and Boardmembers Dudley, O'Connor, and Romack.

Absent: Vice Chairman Charnetsky.

Staff Present: Jason Sanks, Planning Consultant; and Pam Maslowski, Director of Planning Services.

II. Pledge of Allegiance

Chairman Ledyard led the Pledge.

III. Business

Chairman Ledyard explained the meeting order and procedure.

A. Public Hearing: Variance ZA.18-05: Northwest Corner of Old Litchfield Road and Fairway Drive

Chairman Ledyard opened the Public Hearing.

1. Staff Report:

Mr. Sanks stated that this is a request to reduce the street side yard setback along Fairway Drive. The City's Zoning Code requires that, if a home is located along two streets, each street side must comply with the front yard setback, which in this case is 40'. The City is in the process of acquiring approximately 15' of additional right-of-way (ROW) along this side of the property to create a pathway and additional landscaping. The applicant is asking for some relief related to that by reducing the setback requirement from 40' to 30'. Staff supports the request. It is not a condition created by the applicant. It will not be detrimental to the neighborhood. The additional ROW, with landscaping and a pathway, will have a positive effect. Also, the property is quite large, and this will not have a negative impact on the neighborhood. Should the Board approve the variance, Staff suggests that it be conditioned upon the City acquiring the additional ROW.

Chairman Ledyard pointed out that, if the City did not acquire the ROW, the applicant would have no need for the variance because he would have the required setbacks. The issue is shifting the property line 15' to the north.

2. Applicant Presentation:

Jason Poyner, the applicant, stated that he had nothing additional to add.

In response to Boardmember Romack's inquiry, Mr. Sanks responded that the sidewalk that is currently along Fairway Drive is actually on Mr. Poyner's property. The City is going to acquire 15' of Mr. Poyner's property along Fairway Drive in order to have a sidewalk/pathway and some landscaping along the street. The City is also acquiring some of this property along Old Litchfield Road for ROW purposes. However, the variance being requested is only for the property along Fairway. Mr. Poyner explained that he does not need a variance for the property along Old Litchfield Road because the home will sit back about 75'.

Boardmember Dudley stated that the architectural drawings indicate an electrical easement that is close to the fence. She wondered if that would come into play with the variance request. Mr. Sanks stated that he could not be certain without referring to the Design Review drawings. However, the questions to be evaluated now are if there is justification for a 10' reduction in the setback requirement, if the reduction would have a detrimental impact, and whether or not the issue was created by the owner. Staff has found that the City created the issue, and that it will not have a detrimental impact.

Boardmember O'Connor inquired if the home would still be at least 45' from the street, even with the variance. Mr. Poyner stated the home will be about 52' from the street.

3. Public Comments:

There were no public comments.

Boardmember Romack **moved** to close the Public Hearing; Boardmember O'Connor **seconded**; **unanimous approval.**

B. Variance ZA.18-05: Northwest Corner of Old Litchfield Road and Fairway Drive

Mr. Sanks noted the four questions that the Board must find can be answered affirmatively in order to grant a variance:

- a. Are there are special circumstances or conditions applying to the land, building, or use referred to in the application which do not apply to other properties in the district?
- b. Were the special circumstances not created by the owner or applicant?
- c. Is authorization of the variance necessary for the preservation and enjoyment of substantial property rights?
- d. Will authorization of the application not be materially detrimental to persons residing or working in the vicinity, to adjacent properties, to the neighborhood, or to the public welfare in general?

In response to a question, Mr. Sanks responded that Staff believes that this request makes sense with the City's acquisition of the ROW property. Therefore, Staff would recommend conditioning the variance upon the City's acquisition of the 15' portion of the property for ROW purposes.

Boardmember Romack **moved** to approve the variance based upon finding that affirmative answers could be found for the four stipulations required and as suggested in the Staff Report with the stipulation that the variance is conditioned upon the City's acquisition of the property along Fairway Drive for ROW purposes; Boardmember O'Connor **seconded**; **unanimous approval.**

IV. Adjournment

Boardmember O'Connor **moved** to adjourn the meeting; Boardmember O'Connor seconded; **unanimous approval**. The meeting was adjourned at 7:16 p.m.

APPROVED:

BOARD OF ADJUSTMENT

David Ledyard, Chairman

/pm

**MINUTES OF THE SPECIAL MEETING OF
THE LITCHFIELD PARK BOARD OF ADJUSTMENT
December 6, 2018**

I. Call to Order

The meeting was held in the Conference Room at City Hall and called to order by Chairman Ledyard at 7:01 p.m.

Present: Chairman Ledyard; Vice Chairman Charnetsky; and Boardmembers O'Connor, and Romack.

Absent: Boardmember Dudley.

Staff Present: Jason Sanks, Planning Consultant; and Pam Maslowski, Director of Planning Services.

II. Pledge of Allegiance

Chairman Ledyard led the Pledge.

III. Business

Chairman Ledyard explained the meeting order and procedure.

A. Public Hearing: Public Hearing: Variance ZA.18-06: 1126 N. Oro Vista

Chairman Ledyard opened the Public Hearing.

1. Staff Report:

Mr. Sanks stated that the applicant is requesting a variance for a reduction in the front yard setback from 35' to 30'. The applicant has provided their responses to the questions that must be answered in order to grant a variance. They note that many of the homes in neighborhood were built prior to the City's incorporation and the establishment of the 35' front yard setback. Many of the homes were built to the Maricopa County standard of 30'. Based on the aerials that Staff reviewed, it does appear that the homes on both sides of this property were built to the lesser 30' setback. There are four conditions that must be met in order to grants a variance.

- a. Are there are special circumstances or conditions applying to the land, building, or use referred to in the application which do not apply to other properties in the district?
- b. Were the special circumstances not created by the owner or applicant?
- c. Is authorization of the variance necessary for the preservation and enjoyment of substantial property rights?
- d. Will authorization of the application not be materially detrimental to persons residing or working in the vicinity, to adjacent properties, to the neighborhood, or to the public welfare in general?

In working with the applicant, Staff believes that these conditions have been met. The small addition to the residence will not be detrimental to the neighborhood. The home will, for the most part, match the setbacks of the adjacent properties. The special circumstances are that the home was constructed prior to the City's incorporation and built to a deeper setback than what was required at that time. Staff recommends approval subject to the exhibits provided.

Chairman Ledyard clarified that the Board is being asked to act on the variance request and not the design of the project. Mr. Sanks stated that was correct and that the design exhibits will most likely be brought before the Design Review Board at the next month's meeting.

2. Applicant Presentation:

Sean Rassas, the applicant, noted that he did not have additional information to add at this time.

3. Public Comments:

There were no public comments.

Boardmember Romack **moved** to close the Public Hearing; Boardmember O'Connor **seconded: unanimous approval.**

B. Variance ZA.18-06: 1126 N. Oro Vista

Boardmember O'Connor **moved** to approve the variance based on Staff's recommendation and finding that affirmative answers could be found for the four conditions required to grant a variance; Boardmember Romack **seconded; unanimous approval.**

C. Minutes

Boardmember Romack **moved** to approve the minutes of the August 2, 20018 meeting; Vice Chairman Charnetsky **seconded; unanimous approval.**

IV. Adjournment

Boardmember O'Connor **moved** to adjourn the meeting; Boardmember Romack **seconded; unanimous approval.** The meeting was adjourned at 7:07 p.m.

APPROVED:

BOARD OF ADJUSTMENT

David Ledyard, Chairman

/pm

**MINUTES OF THE SPECIAL MEETING OF
THE LITCHFIELD PARK BOARD OF ADJUSTMENT
March 7, 2019**

I. Call to Order

The meeting was held in the Conference Room at City Hall and called to order by Chairman Ledyard at 7:03 p.m.

Present: Chairman Ledyard; Vice Chairman Charnetsky; and Boardmember Dudley.

Absent: Boardmembers O'Connor and Romack.

Staff Present: Jason Sanks, Planning Consultant (by telephone); and Pam Maslowski, Director of Planning Services.

II. Pledge of Allegiance

Chairman Ledyard led the Pledge.

III. Business

Chairman Ledyard explained the meeting order and procedure.

A. Public Hearing: Variance ZA.19-01: 313 S. Hacienda Circle

Chairman Ledyard opened the Public Hearing.

1. Staff Report:

Mr. Sanks stated that the subject property is zoned as R1-8, which requires a 10' side yard setback. The home has an existing legal nonconforming 7' side yard and the property owner is asking for an 18" reduction on that existing non-conforming 7' setback. Staff finds that to not be a significant encroachment. There are four conditions that must be met in order to grants a variance.

- a. Are there are special circumstances or conditions applying to the land, building, or use referred to in the application which do not apply to other properties in the district?
- b. Were the special circumstances not created by the owner or applicant?
- c. Is authorization of the variance necessary for the preservation and enjoyment of substantial property rights?
- d. Will authorization of the application not be materially detrimental to persons residing or working in the vicinity, to adjacent properties, to the neighborhood, or to the public welfare in general?

Staff believes that the conditions have been met. The small addition to the residence will not be materially detrimental to other homes in the neighborhood as they already currently share similar setbacks to what is requested. Staff supports the variance per the exhibits provided by the applicant.

2. Applicant Presentation:

Chairman Ledyard noted that one of the things he noticed in the application was a reference to a problem in that something at the current residence was completed without a permit. He asked William Grandt, the applicant, to explain the issue. Mr. Grandt responded that previous owners enclosed the existing carport by adding two walls and a garage door. As far as he can tell from the County Assessor's site, it is still noted as a carport. He does not know when it was done except that it was done prior to his purchasing the property. Ms. Maslowski noted that she could not determine when that enclosure occurred after reviewing the prior aerial photos from the Assessor's web site and finding that the Building Department did not have a record of a building permit being issued. Chairman Ledyard inquired if that structure would be removed. Mr. Grandt responded that he will be removing the side wall and extending it out 18". Then he will present with his application to the Design Review Board to pull it out because it is only 15" deep as well. Chairman Ledyard noted that he is trying to determine how much of this structure will remain. Mr. Grandt stated that he will replace one side wall. Two walls are part of the structure of the home. The home had an attached carport. Two walls were added to enclose it. He will rebuild both of those walls. The original house walls will remain.

In response to questions, Mr. Grandt responded that other homes in the area utilize the grandfathered 7' side yard setback. They are in a cul-de-sac and in the back turn. It is an odd shaped property. The side bumps out to the patio. There is no cover. The chimney sticks out but they will not come out past where the chimney extends.

3. Public Comments:

There were no public comments.

Vice Chairman Charnetsky **moved** to close the Public Hearing; Boardmember Dudley **seconded; unanimous approval.**

B. Variance ZA.19-01: 313 S. Hacienda Circle

Vice Chairman Charnetsky **moved** to approve the variance based on Staff's recommendation and finding that affirmative answers could be found for the four conditions required to grant a variance; Boardmember Dudley **seconded; unanimous approval.**

IV. Adjournment

Vice Chairman Charnetsky **moved** to adjourn the meeting; Boardmember Dudley **seconded; unanimous approval.** The meeting was adjourned at 7:13 p.m.

APPROVED:

BOARD OF ADJUSTMENT

David Ledyard, Chairman

/pm