

**MINUTES OF THE SPECIAL MEETING OF  
THE LITCHFIELD PARK BOARD OF ADJUSTMENT  
March 4, 2021**

**I. Call to Order**

The meeting was held online via Zoom and was called to order by Chair Ledyard at 7:05 p.m.

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

Absent: None.

Staff Present: Jason Sanks, Planning Consultant; Pam Maslowski, Director of Planning Services; Stephanie Irwin, Accounting Specialist; and Dawn Morocco, IT Assistant.

**II. Business**

**A. Public Hearing: Variance ZA.21-01: 605 E. Bird Lane**

Chair Ledyard opened the Public Hearing.

1. Staff Report:

Mr. Sanks stated this applicant is seeking a variance from the side yard setback requirement to allow a garage addition to encroach approximately 6.5' into the required 15' side yard setback. The existing home is built on a very unique lot in that it is surrounded by streets on three sides. It only shares one property line with another resident. The applicant provided a street view of the home in his application and indicated the location of the proposed addition. Mr. Sanks displayed the four questions that must be considered when approval of a variance is being considered and provided possible answers:

- 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? He suggests that, in the past, the Board has considered whether there is something special or interesting about the lot or the home's placement that would preclude placement of the garage elsewhere. In this case, the lot is bordered by streets on three sides, which is very unusual.
- b. Were the special circumstances not created by the owner or applicant? Yes.
- c. Is authorization of the variance necessary for the preservation and enjoyment of substantial property rights? A three-car garage is not unusual for this area and is in line with the size and scale of the other homes in the neighborhood.
- 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? The variance is being requested for the property side that is shared with another resident's property. The applicant's home is oriented toward Bird Lane, while the neighbor's home is oriented the other way, fronting to the cul-de-sac. The garage will hardly be seen from the street, so the question is if this addition would have a negative impact on the adjacent neighbor's property. If the neighbor supports the application, then he feels the application can be supported. Ms. Maslowski noted that the neighbor has not contacted her.

Chair Ledyard noted that setback requirements are not there just for separation and open space, but also for fire service access. He inquired as to how far apart the two houses are from each other. Mr. Sanks replied that he did some measurements on the Assessor's site. At the closest point, the homes are currently about 15' from their property lines. If the variance is granted, they would be about a 22' separation between the homes, and the fire and building codes require 10'.

Boardmember O'Connor commented that he wants to be sure the Board is being consistent. There was concern expressed regarding a previous variance request due to it being a variance for a side yard setback. Mr. Sanks stated that, from a consistency perspective, there are special circumstances with this property such as the placement of the home on the lot and there being three street sides that require very large setbacks. In the other request, the concern was that the request was for a regular rectangular shaped lot that looked like every other lot on the street with nothing special about the placement of the home or the setbacks. It is difficult to find any special circumstances applying to the lot when it looks like every other lot on the street. In this case, the four-sided lot borders streets on three sides. It forces the location of the home to the central portion of the lot, and only leaves one area to add a third stall to the existing garage. It is not out of character to have a three-car garage in this neighborhood.

2. Applicant Presentation:

Tom Abbott, the applicant, stated he did speak to Mr. Perry, the owner of the neighboring property. Mr. Perry had no objections to the variance or to his plans. This is only Phase One of his plans to bring his home up to the standards of Litchfield Park, and it is the only one that requires a variance.

3. Public Comments:

Ms. Maslowski noted that she has not received any comments, for or against, the variance request.

Chair Ledyard closed the Public Hearing.

**B. Variance ZA.21-01: 605 E. Bird Lane**

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 that must be met; Vice Chair Charnetsky **seconded; unanimous approval.**

**C. Minutes**

Vice Chair Charnetsky **moved** to approve the minutes from the October 1, 2020 meeting; Boardmember Dudley **seconded; unanimous approval.**

**III. Adjournment**

Boardmember O'Connor **moved** to adjourn the meeting; Boardmember Dudley **seconded; unanimous approval.** The meeting was adjourned at 7:19 p.m.

APPROVED:

**BOARD OF ADJUSTMENT**

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David Ledyard, Chair

/pm