

**MINUTES OF THE SPECIAL MEETING OF
THE LITCHFIELD PARK BOARD OF ADJUSTMENT
July 1, 2021**

I. Call to Order

The meeting was held online via Zoom and was called to order by Chair Ledyard at 6:37 p.m.

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

Absent: Boardmember Clair.

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

III. Executive Session

Boardmember O'Connor **moved** to go into Executive Session to receive legal advice; Boardmember Dudley **seconded; unanimous approval.**

Boardmember O'Connor **moved** to adjourn the Executive Session and return to the regular meeting; Vice Chair Charnetsky **seconded; unanimous approval.**

The regular meeting was resumed at 7:12 p.m.

II. Business

A. Variance ZA.21-03: 14044 W. Greentree Drive South (continued from 6/3/21)

Chair Ledyard noted that, at the last Board of Adjustment meeting, the Public Hearing on this variance request was held and closed; however, the action was continued in order to receive legal advice. That has been done and now deliberations by the Board can be held.

Vice Chair Charnetsky noted that corner lots do provide a difficult situation because the owner is required to provide the larger front yard setbacks on two sides of the property. The shape of this lot with the street front on the longest side does take up a lot of the area that is buildable. The centering of the house and the pool location do not leave many options for locating a shade structure. She laments that, lately, things are being built without proper approvals from the City, which is leading to a "better to ask forgiveness" situation. She does see the reasoning in Staff's findings.

Boardmember Dudley commented that she is struggling with this. She understands that there was support from the neighbors; however, she is stuck on not finding the special circumstances. There are many similar lots throughout the City with the same circumstances. It may not be ideal, but it is not a special circumstance. She does not like to say no, but she is here to uphold the community standards.

Boardmember O'Connor noted that he too is conflicted. When looking at this and thinking that, if Litchfield Knoll could have been the front of the home, this would have been allowed. If Litchfield Knoll was considered the front yard and this would then would be in the rear yard, it would be allowed.

Chair Ledyard stated that one of his concerns with this case and other cases are when someone purchases a home on a particular lot that already had pre-existing conditions that limit it in some way. Part of the selection process is having to live with some of the decisions made by the previous owner. There has been debate among attorneys as to whether that situation is a special circumstance or caused by the

current owner wanting to do something different. They knew how the property was laid out when they purchased it. Another issue that had been noted is that it seems people are building things without City approvals, and then asking for forgiveness. However, when that is the case, he tries to view it as if the work had not yet been done and just looks to find if the request meets all four the conditions required to grant a variance. He is struggling with the fact that the special conditions being noted were created by decisions made by the previous owner; however, the current owner purchased the property with those conditions. The examples used when he was in law school was a pie-shaped lot that was very narrow on one end and the owner could not get full economic value. It was not just that they did not like it. In this case, the house is what it is, and he has a problem with it meeting the special circumstance.

Chair Ledyard inquired if there were any other comments. There were not.

Boardmember O'Connor **moved**, based on the Staff Report, that the variance be approved: Vice Chair Charnetsky **seconded**. The motion was **not approved** with a vote of 2-2, with Chair Ledyard and Boardmember Dudley opposed.

IV. Adjournment

Vice Chair Charnetsky **moved** to adjourn the meeting; Boardmember Dudley **seconded; unanimous approval**. The meeting was adjourned at 7:23 p.m.

APPROVED:

BOARD OF ADJUSTMENT

David Ledyard, Chair

/pm