

**MINUTES OF THE SPECIAL MEETING OF
THE LITCHFIELD PARK BOARD OF ADJUSTMENT
October 7, 2021**

I. Call to Order

The meeting was held online via Zoom and was called to order by Chair Ledyard at 7:03 p.m.

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

Absent: Board Member Clair.

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

II. Business

A. Public Hearing: Variance ZA.21-04: 505 Redondo Drive South

Chair Ledyard opened the Public Hearing.

1. Staff Report:

Mr. Sanks stated this applicant is seeking a variance from the front yard setback requirement to allow a garage addition to encroach approximately 7'3" into the required 30' front yard setback. The existing garage is approximately 18'x18' which is a little small for a modern garage, usually measuring 20'x20'. The home is situated on a corner lot with a narrower front yard than rear yard. This is why the homeowner is requesting a variance. Mr. Sanks displayed the four questions that must be considered when approval of a variance is being considered and provided possible answers:

- A. That 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. That such special circumstances were not created by the owner or applicant;
- C. That the authorizing of the variance is necessary for the preservation and enjoyment of substantial property rights; and
- D. That the authorizing of the application will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or the public welfare in general.

The applicant feels they have met the four required conditions for a variance. However, staff does not agree that the resident has met all 4 conditions, specifically conditions A, B, and C. Staff concurs that the existing garage is too small and would support a Design Review Application for enlarging the garage. There is room to build a garage on the side of the house and the front of the house that would not require a variance. Staff does not see the hardship on the property because of the position of the house in relation to the property still provides a large front yard. Since condition A is not be met, condition B has not been met. Staff does not find the condition C is met as the owner currently has substantial property rights that would allow them to extend their current garage without the need for a variance from the Zoning Ordinance.

2. Applicant Presentation:

Chad Swanson, the applicant, stated the other homes around him are positioned 90 degrees to the street but his home is positioned 45 degrees to the street making it difficult to add garage space on his property. Mr. Swanson feels the proposed location is the best use of the space and functionality of his property. He stated that he is willing to work with the Board for alternative locations if the Board does not like the proposed garage extension.

Chair Ledyard asked if the Board had any questions:

Vice Chair Charnetsky commented on the significant amount of space located adjacent to the existing garage and running toward the back of the house. Vice Chair asked if the garage could be moved into this area. Vice Chair considers the front yard setbacks as part of the neighborhood to keep the feeling of spaciousness. Thinks a substantial garage can be built elsewhere on the property. Mr. Swanson agreed but felt it would be difficult to gain access to the back yard from the front yard, it also would impact the basketball court in the backyard.

3. Public Comments:

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

Board Member O'Connor **motioned** to close the Public Hearing, Board Member Dudley **seconded**; unanimous Public Hearing closed.

B. Variance ZA.21-04: 505 Redondo Drive South

Board Member O'Connor does not see that the four conditions have been met, he concurs with Staff assessment. Chair Ledyard spoke to the 4 conditions which are not made up by the City of Litchfield Park but are case law. Chair Ledyard does not support the variance request because the conditions that exist, existed when the current homeowner purchased the home. Vice Chair Charnetsky **moved** to deny the variance based on Staff's recommendation and finding that affirmative answers could be not found for the four conditions that must be met; Board Member Dudley **seconded**; **unanimous denial**.

C. Minutes

Vice Chair Charnetsky **moved** to approve the minutes from the June 3, 2021 and July 1, 2021 meetings; Board Member Dudley **seconded**; **unanimous approval**.

III. Adjournment

Boardmember O'Connor **moved** to adjourn the meeting; Boardmember Dudley **seconded**; **unanimous approval**. The meeting was adjourned at 7:22 p.m.

APPROVED:

BOARD OF ADJUSTMENT

David Ledyard, Chair

/pm