

**MINUTES OF THE SPECIAL MEETING OF  
THE LITCHFIELD PARK BOARD OF ADJUSTMENT  
August 6, 2020**

**I. Call to Order**

The meeting was held online via Zoom and was called to order by Chairman Ledyard at 7:07 p.m.

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

Absent: None.

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

**II. Pledge of Allegiance**

The Pledge was not recited due to this being an online meeting.

**III. Business**

**A. Public Hearing: Variance ZA.20-04: 102 N. Florence Avenue**

Chairman Ledyard opened the Public Hearing.

1. Staff Report:

Mr. Sanks stated that this is a request to encroach four feet into the required 30-foot front yard setback to allow for an extension of a proposed front-facing garage. This home originally had a two-car garage; however, at some point, it was converted to livable space. The current homeowners brought forward design plans for a new 2.5 car tandem style garage that would fit within the allowable building footprint at the July Design Review Board meeting. They had hinted at the time that they might be filing a variance to give them a little more depth so they could fit two full sized vehicles side by side in the front portion of the garage. They did submit an application and are here tonight seeking that front yard setback variance. They can already fit two vehicles back to back, tandem style, in the garage proposed without the variance. If the variance is approved, they would ultimately end up with a three-car garage, although two of the spaces would be tandem.

Mr. Sanks read the four questions/conditions that the Board must determine can be answered affirmatively in order to grant a variance and provided Staff's findings on each condition. He stated that the applicant asserts that they have meet the four conditions; however, Staff is having trouble in finding that those conditions have been met.

- 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?

In this case, Staff looked at the streetscape and neighboring properties. The homes on the block have a variety of vehicle shelters, such as garages or carports, and none have encroached into the front yard setback. The applicant did note this in their application. Staff

could not find a situation here that indicates that there is a special circumstance. The original home had a two-car garage that legally conformed to the required setbacks. That garage was enclosed at some time to create living space. When that was done, it appears there was not much thought given to providing another two-car garage providing for vehicles parked side-by-side. This resulted in the applicants' plans for the tandem two-car garage solution that was provided to the Design Review Board last month. That design still provides for two vehicles to be sheltered on the lot in an enclosed garage without the need for a variance.

Staff could not find that any special circumstances apply to the land, building, or use. The home is built on a square lot in a typical configuration and had a two-car garage at the time it was constructed. The enclosure of the original garage does not create a special circumstance.

- b. Were the special circumstances not created by the owner or applicant?

This is not applicable since there are no special circumstances.

- c. Is authorization of the variance necessary for the preservation and enjoyment of substantial property rights?

The owners are able to construct a functional two-car tandem style garage on the property to shield their vehicles from the sun. Staff finds that the variance is not 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?

Looking at the aerial photo and streetscape of the neighborhood, encroachment into the front yard setback would be the only encroachment into the 30' front yard setback along this section of Florence Avenue. The proposal to encroach into the front yard setback will define this home negatively amongst the others in the neighborhood, especially with a front facing garage door. It will be out of character with the community.

Mr. Sanks stated that, based on the findings noted, Staff finds the required conditions cannot be met and recommends denial of the variance.

## 2. Applicant Presentation:

Benjamin Stepp, the applicant, stated that, although they brought the application to the Design Review Board for the tandem garage, he and his wife were hoping they could do a side-by-side garage. When they started this project they were unaware that there was an 18' portion of the property that did not belong to them. That forced them to move the garage back. When it was brought to their attention that they could apply for a variance, they tried to answer the questions as well as they could. They have talked to their neighbors, and they do not seem to have an issue with this request. They would like to be able to park their three vehicles inside a garage so they would not get too hot for their children. Also, there have had three cases when someone tried to break into their vehicles parked outside, with two of them being successful. From a security standpoint, they would like to make sure that their vehicles could be locked away.

Chairman Ledyard asked for confirmation that, at the time the applicants purchased the home, the garage had already been converted to living space. Mr. Stepp confirmed that was correct.

Vice Chairman Charnetsky noted that the smaller area on the side of the full space could still accommodate some of the other things that a garage normally holds, such as bicycles. It could also accommodate a very small car. The purpose of front yard setbacks is for the benefit for the whole City for spatial and aesthetic reasons. For those reasons, it is very rare that the Board has granted any front yard setback variances.

Chairman Ledyard commented that the Board of Adjustment is required by State Law to find that a variance meets the requirements of the four conditions that Mr. Sanks reported on. Unfortunately, in this situation, the request does not meet those requirements. The Board of Adjustment is not allowed to rewrite the City's Zoning Code. That is up to the City Council. The Board can only grant a variance if there is a special circumstance and, in this case, there are no special circumstances. He does not believe a variance can be granted.

3. Public Comments:

Ms. Maslowski noted that she did not receive any requests to speak prior to the meeting and, after explaining how anyone attending the meeting could indicate their request to speak, she noted that there were no requests.

Chairman Ledyard closed the Public Hearing.

**B. Variance ZA.20-04: 102 N. Florence Avenue**

Boardmember O'Connor **moved** to deny the variance request based on not being able to find affirmative answers to the four conditions that are required to grant a variance; Boardmember Romack **seconded** the motion. The motion to **deny** the variance was **approved unanimously**.

**C. Minutes**

Boardmember Romack **moved** to approve the minutes from the March 5, 2020 meeting; Vice Chairman Charnetsky **seconded; unanimous approval**.

**IV. Adjournment**

Vice Chairman Charnetsky **moved** to adjourn the meeting; Boardmember Dudley **seconded; unanimous approval**. The meeting was adjourned at 7:28 p.m.

APPROVED:

**BOARD OF ADJUSTMENT**

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David Ledyard, Chairman

/pm