

**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, August 1, 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

A. Public Hearing: Variance ZA.19-04: 205 W. Alegre Drive

Information

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 10 feet into the required 30 foot front yard setback.

B. Variance ZA.19-04: 205 W. Alegre Drive

**Information
Action**

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 10 feet into the required 30 foot front yard setback.

C. Public Hearing: Variance ZA.19-05: 231 S. Old Litchfield Road

Information

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 231 S. Old Litchfield Road to allow a patio cover addition to encroach approximately 7 feet into the required 10 foot street front yard setback.

D. 231 S. Old Litchfield Road

**Information
Action**

Discussion and possible approval of a request for a variance for property located at 231 S. Old Litchfield Road to allow a patio cover addition to encroach approximately 7 feet into the required 10 foot street front yard setback.

IV. Adjournment

Action



THE CITY OF
Litchfield Park

DATE: August 1, 2019
TO: Chairman Ledyard and Board of Adjustment Members
FROM: Jason Sanks, Planning Consultant
SUBJECT: Variance Request to the Board of Adjustment

Variance Case #: 19-04 Front Yard Setback Encroachment / 205 W. Alegre Drive The applicant requests a variance from Zoning Ordinance Section 12.05.a.1, pertaining to the R1-15 zoning district, which requires a home to maintain a 30' front yard setback. The applicant seeks an addition on the front of the residence to provide additional livable area. The property is on a corner lot, and therefore subject to the added restriction of maintaining a 30' setback on the street side which is considered a front yard in the Zoning Ordinance. The home already has a non-conforming 20' front yard setback on Alegre Drive, as do several of the R1-15 zoned homes in the neighborhood – particularly those also on corner lots or those located in the curve of the cul-de-sacs.

There are four conditions that must be met in order to obtain a variance from the zoning ordinance, per State of Arizona statutes. These include the following:

- 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.

Staff finds that Condition A has been met. The property has a couple special circumstances applying to the land and building. First, the home already has a non-conforming 20' setback along the front elevation on the other side of the residence from where the proposed addition is. Second, the lot is the same size as other lots nearby, but must contend with the relatively onerous condition of having to maintain two 30' front yards (front and street side). Interior lots (not a corner) must only maintain a 15' side yard setback. The applicant also notes that their home is significantly smaller than other homes nearby and their opportunities to enlarge the home are more limited.

Staff finds that Condition B has been met. The special circumstances applying to the property were caused by the incorporation of the property after the home was built in Maricopa County, thus requiring it to meet more stringent setback standards than were previously required or envisioned for the property at the time of development.

Staff finds that Condition C has been met. Authorization of the variance will allow the owner to enjoy a larger home that is similarly sized with other homes in the neighborhood. This would offer the owner similar property rights as afforded those other properties.

Staff finds that Condition D has been met. This property, as well as several others, already have encroachments into the 30' front yard setback that the community is accustomed too. Authorization of the variance has no known potential detrimental impacts for the community.

Based on Staff's determination that all four conditions for authorization have been met,

Staff recommends approval of the variance request, subject to the exhibits provided by the applicant.

Variance Case #: 19-05 Side Yard Setback Encroachment / 231 Old Litchfield Road The applicant requests a variance from Zoning Ordinance Section 15.03.b, pertaining to the Residential Cluster (RC) zoning district, which requires a home to maintain a 10' side yard setback. Since incorporation of the City, properties in this subdivision are allowed to encroach into the 10' side yard that included the carport. This was grandfathered in from the original approval in Maricopa County. The non-carport side yard is required to maintain the 10' side yard setback. The applicant is seeking a variance to encroach into the required 10' side yard setback that does not have the carport.

There are four conditions that must be met in order to obtain a variance from the zoning ordinance, per State of Arizona statutes. These include the following:

- 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 has prepared a narrative in which they do not demonstrate their ability to meet the four conditions required for the granting of a variance. Rather, the applicant contends that Staff is

misinterpreting the development standards required of the property. They argue that the development standards they desire are provided for in a nearby residence. Staff has found that residence to be located within a separate subdivision plat which has different development standards. The lots in that development are narrower and generally have 0' side yard setbacks.

Staff has determined that conditions A, B, and C have not been met. There are no special circumstances applying to this parcel. It is regularly shaped and developed in a similar fashion with adjacent parcels. Immediately adjacent properties have patios on the rear of the property or elsewhere, but not in the required 10' setback on the one side of the property where there is no carport. That being said, Condition B cannot be met as no special circumstances can be established.

Condition C cannot be met as it was not established how denial of the variance would prevent the property owner of preserving or enjoying substantial property rights that are nearly identical to those properties surrounding it. Staff finds that Condition D can be met as the applicant states that their neighbors do not have a problem with the request. The side yard patio addition proposed would likely not have any impact on adjacent properties based on how the housing units are developed.

Staff recommends denial of the side yard setback reduction for 231 Old Litchfield Road, based upon Conditions A, B, and C not being met as required for authorization of the variance.