

**MINUTES OF THE SPECIAL MEETING  
OF THE LITCHFIELD PARK PLANNING AND ZONING COMMISSION  
April 13, 2021**

**I. Call to Order**

The meeting was held online via Zoom and called to order at 7:04 p.m. by Vice Chair Faith.

Members Present: Vice Chair Faith, and Commissioners Alvey, Darre, Fraser, Lawrence, Ledyard; and O'Connor.

Members Absent: None.

Staff Present: Jason Sanks, Planning Consultant; Pamela Maslowski, Director of Planning Services; and Dawn Morocco, IT Assistant.

**II. Business**

**A. Oath of Office**

Ms. Maslowski administered the Oath of Office to Vice Chairman Faith and Commissioners Darre, Fraser, Ledyard and O'Connor, who were appointed/reappointed at the March 17, 2021 Council meeting.

**B. Introduction of New Commissioner Andrew Fraser**

The Commissioners welcomed new Commissioner Fraser, and he provided information regarding his background and reasons for wanting to join the Commission.

**C. Election of Officers**

Commissioner O'Connor **nominated** Commissioner Ledyard for Chair for the 2021/2022 term; Commissioner Lawrence **seconded** the nomination. There were no other nominations, and Commissioner Ledyard was elected as Chair **unanimously**.

Commissioner Darre **nominated** Vice Chair Faith for Vice Chair for the 2021/2022 term; Chair Ledyard **seconded** the nomination. There were no other nominations, and Vice Chair Faith was re-elected as Vice Chair **unanimously**.

Vice Chair Faith continued to chair the remainder of the meeting.

**D. Appointment of a Representative to the Design Review Board/Board of Adjustment**

Vice Chair Faith **nominated** Commissioner O'Connor to be reappointed as the Commission's representative to the Design Review Board/Board of Adjustment for the 2021/2022 term; Chair Ledyard **seconded** the nomination. There were no other nominations, and Commissioner O'Connor was reappointed **unanimously**.

**E. Set Meeting Schedule**

Vice Chair Faith **moved** to keep the meeting schedule as is with regular meetings scheduled for 7 p.m. on the second Tuesday of the month; Commissioner Darre **seconded; unanimous approval**.

## F. Zoning Code Update

Mr. Sanks noted that he and Ms. Maslowski were encouraged by the discussions held with Vice Chair Faith and Commissioner O'Connor, as the Zoning Code Update Committee has begun meeting again. The great majority of the Zoning Code rewrite has been looking at restructuring and reorganizing the Code to create an easier to use and more concise document. However, there are some possibilities for changes to the material development standards and use rights. Section 31 is called General Provisions and has served as a catch all for items that do not apply to just one zoning district, including standards for such things as fence walls, lighting, and other ancillary items. Accessory structure standards are included in this Section and some issues have come up through the last couple of years regarding the requirements for these structures on residential lots. An interesting discussion was held with Vice Chair Faith and Commissioner O'Connor regarding the requirements.

Mr. Sanks reviewed a PowerPoint presentation he had created regarding Accessory structures. He noted that he would like The Commissioners comments regarding some possible changes. The PowerPoint and discussion included:

- Current regulations regarding accessory structures were provided.
- Mr. Sanks noted that the City has received requests for structures larger than the 500 SF (square foot) limitation.
- Accessory structures located in rear yards have different setback requirements than the primary home.
- The purpose of the accessory structure standards is to accommodate the way people live and to allow setbacks that are less restrictive than the primary home with the intention that the structures would be smaller with limited uses.
- The same requirements are generally found in other cities; however, Litchfield Park may be unique in requiring the structure be under 500 SF, while also requiring that the structure not cause the lot coverage maximum to be exceeded. These standards apply to both large and small lots.
- Examples of accessory structures that have been reviewed by the Design Review Board were provided.
- Discussions have come up regarding RV parking and garages. Currently, due to the size required, the only way to have an RV garage is to have it be attached to the main home so it is not considered an accessory structure. It must comply with the home's regular setbacks.
- Items that the Zoning Code Update Committee discussed included:
  - Whether to keep the Code as is or change it to allow accessory structures larger than 500 SF.
  - Should the maximum lot coverage be used as the tool to regulate size? Or, should larger sized accessory structures be allowed on larger lots only? An accessory structure based on the scale of the property size would have less impact on the general vicinity because it is smaller in scale to the overall property size.
  - If larger structures would be allowed, then perhaps the minimum setbacks should be determined by size. The structure could be required to be set back one foot for every foot in height. Ms. Maslowski pointed out that current standards include stepback. Up to 10' in height the required setback is 5'. The structure must be setback an additional foot for every additional foot in height above 10'. Mr. Sanks noted that the one-to-one stepback he referred to might help mitigate the effects of a larger accessory structure.
  - Should a detached structure that is within the main building's footprint, not encroaching into any of the main building setback requirements, still be considered an accessory structure? There are times when architects must come up with some unique ways to connect two separate buildings to not have a separated building considered an accessory structure.
- Matching the main home's architecture should remain a requirement.

- One main concern is larger accessory structures might lead to consideration of large detached RV/trailer/boat garages. These garages tend to be very large, sometimes up to 2,000 SF in size. Currently, a detached RV garage cannot be built in the City due to its size. The options are to attach the RV garage to the home if possible and make it look right or find an off-site location to store the RV.
- An RV garage is convenient to the people that own a RV; however, there is concern regarding how these types of garages would change the look of the City and impede on neighbors' property rights because they would be located within a rear yard. There is also a concern regarding disturbing view corridors.

Vice Chair Faith noted that the Committee spent some time on these issues and would like some feedback from the Commissioners.

Discussion by the Commission included:

- Are the neighbors notified when someone wants to put a structure in the backyard? Mr. Sanks replied that, other than when a variance is needed, there is no notification requirements for items that comply with existing development rights. If the building meets the Code requirements, the homeowner only must obtain design review approval.
- The PowerPoint referred to protection of the neighbors. How is that done? Mr. Sanks responded that he was referring to what should be considered in deciding whether to revise the Code. Such as, would a larger guest house impede on the neighbor's rights.
- Mr. Sanks noted that sometimes people want to build large casitas to use for short term rentals.
- It would be good to have data points on whether people are using their detached casitas for Airbnb rentals.
- The Code should not be relaxed; it should be more restrictive.
- View corridors for people with view fences should be protected. Mr. Sanks noted that there are restrictions currently in place for homes with view fences.
- There are lots large enough to have structures in the side yards which could be a problem.
- Recreation vehicles are not considered accessory structures and have different requirements.
- The standards should be made equitable. There are some very large lots within the City. If someone is not going over the maximum lot coverage allowed, why shouldn't they be allowed to enjoy their property with a larger accessory unit? Measures should be created so larger structures are not allowed on smaller lots, but they should be allowed on larger lots.
- In response to an inquiry, Ms. Maslowski explained how the 500 SF maximum was determined. Mr. Sanks added that 500 SF would allow a detached two-car garage.
- A larger structure on a larger lot might be okay, but not on the smaller lots. What would be considered a large lot would have to be determined.
- Allowing more or larger structures on smaller lots would make the City look cluttered.
- Have there been issues with structures built under the existing Code? Ms. Maslowski responded that the City has not received many complaints regarding structures that have been legally built that comply with the Code. The City has received several complaints regarding structures that were built without City approval that do not comply with the Code requirements.
- It appears there is no reason to make the Code more restrictive.
- In response to a question, Ms. Maslowski replied that stoves and/or the hookups required for stoves are not allowed in accessory structures. That is one of the factors the City uses in determining whether the structure would be considered a secondary dwelling.
- Litchfield Greens subdivision restricts short term rentals. Can the City do the same? Ms. Maslowski responded that, at one time, the City did not allow short term rentals. However, the State passed a law that does not allow cities to have that restriction anymore.

- The density issue is important. If someone wants an RV garage, there are properties in surrounding communities that can accommodate that. The requirements should not be changed.
- It was noted that a variance might be granted in unique circumstances for a larger structure. Mr. Sanks commented that there are conditions that must be met for a variance. Perhaps, a Use Permit might be a better requirement.
- In response to a question, Mr. Sanks replied that the maximum 500 SF allowed applies to the combined square footage of all accessory structures on the property.
- RV garages are currently allowed, but they must be built without encroaching into the required setbacks. It has been challenging for the Design Review Board to determine if this type of addition fits in with the existing architecture.
- Using lot coverage for determining size would be a good idea.
- Using the maximum lot coverage allowed to determine size for structures being built outside the setbacks, within the building envelope, makes sense; however, when structures are being built within the required lot setbacks, a 500 SF maximum makes sense.

### G. Design Review Board/Board of Adjustment Update

Commissioner O'Connor noted the report was included in the agenda packet, and there were no comments.

### H. Topics for Referral to City Council

Vice Chair Faith **moved** to refer the possibility of changing the Zoning Code regulations to allow larger sized accessory structures on larger lots to the City Council; Commissioner Alvey **seconded**; **unanimous approval**.

### I. Minutes

Vice Chair Faith **moved** to approve the minutes of the March 9, 2021 minutes; Commissioner Darre **seconded**; **unanimous approval**.

### III. Staff Reports

Mr. Sanks reported on the progress of the Dysart and Camelback Center.

### IV. Commission Reports

There were no reports given.

### V. Adjournment

Vice Chair Faith **moved** to adjourn; Commissioner Darre **seconded**; **unanimous approval**. The meeting was **adjourned** at 8:14 p.m.

APPROVED:

**PLANNING & ZONING COMMISSION**

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David Ledyard, Chair

/pm