

**MINUTES OF THE REGULAR MEETING OF  
THE LITCHFIELD PARK DESIGN REVIEW BOARD  
June 6, 2019**

**I. Call to Order**

The meeting was held in the Conference Room at the Litchfield Park City Hall. Chairman Charnetsky called the meeting to order at 7:23 p.m.

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

Absent: Boardmember Romack.

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

**II. Pledge of Allegiance**

Chairman Charnetsky led the pledge.

**III. Call to the Community**

There were no requests to speak.

**IV. Business**

**A. Design Plans for an Addition/Remodel Proposed for 231 S. Old Litchfield Road**

Mr. Sanks stated that this applicant is seeking approval of design plans to convert the existing carport to a garage reconfigure the interior of the home, add a large wrap around covered patio on the side of the home, and add 12' ceilings to the great room. The new ceiling height will result in a visible addition to the roofline of the residence with a parapet projection and clerestory windows to provide additional light. The proposal to enclose the carport on this residence follows the general pattern of other homes nearby that have already completed enclosures. The home's front elevation, aside from the proposed garage door, will be mostly obscured by the front courtyard wall, which will remain and is about 5' - 6' high. The architect on the project has confirmed that the colors and materials for the exterior changes will match the existing residence. James Rush, representing the owners, stated that the owners have confirmed that they will keep the same colors. Mr. Sanks stated that the patio cover will have a tile roof. An issue has come up regarding the side yard setbacks. The Zoning Code District requires 10' side yard setbacks. However, the Code also allows that property owners may use the side yard setbacks that were in place prior to the City's incorporation. In this case, the CCRs indicate that there were two types of lots – patio home lots and townhome lots. The townhome lots are allowed 0' side yard setbacks on both sides; however, the patio homes, like the subject home, were required to have 0' on one side and 10' on the other. There is no provision that allows covered patios to project into the side yard. Staff reviewed the aerials of the other lots developed in the patio home portion of this development, and they have maintained the 10' setback. The owner could request a zoning interpretation if they feel this is not correct or apply for a variance. However, this Board does not have the authority to approve the encroachment. Staff recommends that, if the Board should decide to approve the application, that it be approved with the condition that the 10' side yard setback is to be maintained, unless it is later determined to be incorrect or a variance is obtained.

Mr. Rush stated that the owner did this same addition on her other home in the area. Mr. Sanks explained that there are two different types of residences in the area – patio homes and townhomes and

there are different setback requirements in the CCRs with each. The owners should have copies of those CCRs. Mr. Sanks stated that he believes that carports were specifically mentioned to be allowed to have a 0' carport; whereas, patio covers were not. Ms. Maslowski explained that she checked the information for the other residence and it is actually located in a different subdivision with different provisions for side yard setbacks. The properties are located in property zoned as Residential Cluster which requires 10' side yard setbacks on both sides. However, there is a provision for properties developed prior to the City's incorporation that the side yard setbacks in place when the property was developed may be used. Staff then reviews the CCRs to determine what those setbacks were at that time and, in this case, the setbacks were 0' on one side and 10' on the other.

Chairman Charnetsky inquired if an overhang or awning could be used. Mr. Sanks responded that, if coverage is wanted in the side yard, a retractable awning could be considered or something organic could be used, such as trees. Chairman Charnetsky noted that umbrellas can also be useful.

In response to a question, Mr. Rush replied that the owners want to use and sit out in the side yard, even though there is a wall there. They opened the corner up so the back yard and side yard would be more developed and, the corner would be a focal point. It is tough to make this work because of the 10' side yards and walls. The lots are very deep and they want to use it to the max. They already remodeled their other home. Mr. Sanks stated that this is not a subjective issue. The Code has to be adhered to.

Vice Chairman Ledyard **moved** to approve the application as recommended by Staff, subject to the exhibits provided with the condition that no projection is allowed to encroach into the side yard setback; Boardmember Dudley **seconded; unanimous approval.**

#### **V. Staff Report on Current Events**

Mr. Sanks reported on the progress of the Sun Health/La Loma rezoning application and the Dysart and Camelback development. He noted that Staff has been working on the Zoning Code update, the 10-year General Plan update, and the City Center General Plan Amendment and rezoning cases. There has been no forward progress on the project proposed for the NWC of Litchfield Road and Wigwam Boulevard.

#### **VI. Boardmembers' Report on Current Events**

There were no reports.

#### **VII. Adjournment**

Boardmember O'Connor **moved** to adjourn the meeting; Vice Chairman Ledyard **seconded; unanimous approval.** The meeting was adjourned at 7:41 p.m.

**APPROVED:**  
**DESIGN REVIEW BOARD**

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Susan Charnetsky, Chairman

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