

PUBLIC HEARINGS

CITY COUNCIL
August 27, 2002

To: Mayor and City Councilmember
From: George J. Rodericks, City Manager
Originated by: Kathy Adrian, City Clerk

SUBJECT: Consideration of Conditional Use and Variance Application No. 0503 for a New 2-Story Residence – Location: 19041 Cerro Villa Drive; Applicant: Harvey and Karen Beigle.

BACKGROUND

The applicants are requesting conditional use permits for the following:

- ◆ Construction of a two-story single-family residence above 25 feet in height;
- ◆ Construction of 6 garage stalls on the property (1 double garage door over 8 feet in height);
- ◆ Increase in the 32% maximum floor area allowed to 36.6%.

The applicants are also requesting a variance approval for retaining walls in excess of 6 feet in height.

AUTHORITY

Conditional Use Permits. Because of their unusual characteristics, conditional uses require special consideration so that they may be located properly with respect to the objectives of the zoning regulations and with respect to their effects on surrounding properties. In order to achieve these purposes, the City Council is empowered to grant and to deny applications for use permits for such conditional uses in such zones as are prescribed in the zone regulations and to impose reasonable conditions upon the granting of conditional use permits.

The Villa Park Municipal Code requires that residential structures exceeding 25 feet in height obtain a Conditional Use Permit. The height limit is established at a maximum of 32 feet.

City of Villa Park Ordinance No. 2000-473 requires that a Conditional Use Permit be obtained for any newly constructed garages that would bring the total number of garage stalls to four or more or where garage doors are 8 feet or more in height.

The Villa Park Municipal Code requires a Conditional Use Permit to exceed the maximum floor area of 32%.

The public hearing process allows for a review of the exterior elevations of a proposed addition in order to assess its impact on adjacent properties.

Variations. The Zoning Code authorizes the City Council to approve, conditionally approve, or disapprove variance applications. Variations from the terms and regulations of the Zoning Code are to be granted when, because of special circumstances applicable to the property, a strict

application of the terms and regulations of the Zoning Code deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classifications.

FINDINGS

The subject property is located at 19041 Cerro Villa Drive and is in the 100-E4-20,000 Small Estate zoning district. It is an irregularly shaped lot with a front property line of 147.66 feet, a rear property line of 113.44 feet and an average depth of approximately 191.74 feet. The lot area is 20,000 square feet. Surrounding uses are residential.

Staff has visited the site for purposes of viewing the property as it relates to this request.

The Conditional Use Permit is required for the following:

- 1) Four (4) or more garage spaces – six (6) are proposed on the project;
- 2) A garage door over eight (8) feet in height – one (1) double car door is proposed at ten (10) feet in height;
- (3) 2-story residence over 25 feet in height – as measured from average existing grade, the proposed structure has a maximum height of approximately 29.5 feet, less than the city's limit of 32 feet; and
- (4) Floor area exceeding 32% - as proposed, the project has a maximum floor area of 36.6%.

Under the City's Zoning Code, building height is the vertical distance measured from the average existing grade to the highest point of the building or the average level of the finished ground surface within four (4) feet adjacent to the subject building, whichever is more restrictive. The City's Zoning Code allows for an increase in maximum floor area through an approved Conditional Use Permit.

The applicant is also requesting a variance for retaining walls along the rear of the property exceeding six (6) feet in height.

The proposed project meets all the required setback, lot coverage, and height limitations for structures under the City's Zoning Code.

If approved, the applicant is required to work with the City Engineer to address any concerns during construction regarding grading, retaining walls, and drainage. All applicable street improvements will be made at the time of construction.

CEQA Compliance: This project is exempt from requirements of CEQA by Sections 15303 Class 3: New Construction or Conversion of Small Structures.

FISCAL IMPACT

None.

STAFF RECOMMENDATION

Staff recommends approval of this application.

APPROVAL MOTION

Adopt Resolution No. 2002-2636, A Resolution of the City Council of the City of Villa Park approving Conditional Use and Variance Permit No. 0503, for a new two-story residence, with conditions; 19041 Cerro Villa Drive – Applicants: Harvey and Karen Beigle.

RECOMMENDED ACTION

It is recommended that the City Council conduct a Public Hearing, review the application, and make appropriate findings thereto.

CONDITIONS OF APPROVAL

1. The structure(s) shall be in accordance with approved plans on file with the City Clerk. Any significant deviation from the approved plans will require subsequent approval by the City Council through a separate Public Hearing. All work will be suspended on the project until such approvals are obtained.
2. Building permits and approvals must be obtained prior to commencement of construction. If the approval is after-the-fact, building permits and approvals are still required.
3. Separate review and approval by the City Engineer is required for all grading, driveway approaches, street improvements, sewer connections, and work within the right-of-way or City easement prior to issuance of any building permit for the project. Additional conditions may apply.
4. Construct street improvements on Cerro Villa Drive. A street improvement plan prepared by a Registered Civil Engineer must be submitted. A separate permit is required.
5. A cash bond in the amount of \$575 shall be posted to protect the City from any damages to any public improvements impacted directly or indirectly by the proposed improvements.
6. Sewer must be connected to existing City sewer. Separate permit required.
7. A grading plan must be prepared by a Registered Civil Engineer and approved by the City Engineer prior to issuance of a Building Permit.
8. An erosion control plan must be submitted for City Engineer approval. Erosion control must be in place prior to October 15, 2002.
9. A grading plan for a new residence at 19051 Cerro Villa Drive has recently been approved. The applicants' attention is drawn to this plan and development for coordination as necessary.
10. Temporary toilet facilities are not permitted in the front setback areas.
11. The conditional use and variance permit shall lapse and become void one year following the date of approval unless prior to the expiration of one year, a building permit is issued and construction is commenced and diligently pursued toward completion on the site.
12. The conditional use and variance permit may be renewed for an additional period of one year, provided that prior to the expiration of one year from the date when it or the renewal of same became effective, an application for renewal is filed.
13. The existing residence on the property shall be demolished upon issuance of the Certificate of Occupancy for the new residence.