

PUBLIC HEARINGS

CITY COUNCIL
APRIL 23, 2002

To: Mayor and City Council

From: George J. Rodericks, City Manager

Originated By: Kathy Adrian, City Clerk

SUBJECT: Consideration of Conditional Use and Variance Application No. 0474 –
Location: 18511 Durfee Circle; Applicant: Mr. and Mrs. David Kracke

BACKGROUND

The applicants are requesting a conditional use permit to allow tennis court lighting on an existing tennis court and approval for the tennis court light poles to encroach into the rear yard setback area by 5 feet.

The applicants are also requesting a variance from the required side yard setback of 11 feet, 6 inches to 9 feet, 2 inches for a laundry room/service porch addition.

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.

Variances. The zoning code authorizes the City Council to approve, conditionally approve, or disapprove variance applications. Variances from the terms and regulations of the zoning code are to be granted by specific findings of special circumstances.

FINDINGS

The subject property is located at 18511 Durfee Circle and is in the 100-E4-20,000 Small Estate zoning district. It consists of a rectangular-shaped lot with a total area of 21,670 square feet. Surrounding uses are residential. Staff has visited the site for purposes of viewing the property as it relates to this request.

Article 23-17 of the City's Zoning Code regulates recreational courts and court lighting. Section 23-17.4 specifies that support poles may be no closer than five (5) feet to the nearest lot line and light fixtures may be no closer than ten (10) feet. The applicant is proposing eight (8) poles with lights on the existing tennis court.

Four (4) of these poles are located on the south side of the tennis court and meet all height and placement restrictions under Section 23-17, but still require approval under a Conditional Use Permit. However, there are four (4) poles on the north side of the tennis court that are located

between 1.94' and 2.5' from the rear property line and do not meet the minimum placement restrictions. As shown on the applicant's diagram, the light fixtures on these poles would be located three (3) feet inward on the pole or 4.94' to 5.5' from the rear property line. It is staff's opinion based on the criteria established in Section 23-17.4 that placement of the light poles at this location could be potentially injurious to neighboring properties.

Based on staff review, staff can recommend approval of the Conditional Use Permit for only the south side lighting with the standard restrictions and conditions for lighted recreational courts. These include maximum power wattage for the lights, shielding for the lights, and lighted operational hours of 7 a.m. to 10:30 p.m. Staff cannot recommend approval of the north side lighting due to its location.

In addition to lighting for the tennis court, the applicant has requested a Variance from the side yard setback requirement for the addition of a 195 square foot laundry room. Based on the size of the property, the applicant has a side yard setback requirement of 11.5'. The applicant is requesting a 2.3' reduction in this side yard setback to allow construction of the laundry room. This reduces the side yard setback to 9.2' and represents a reduction of less than 25%.

The property is a corner lot with a parallelogram/rectangular shape. The angled lot lines and the placement of the single-family residence on the property create a unique restriction for enlargement of the home. The proposed laundry room is located on the street-side property line between an existing block wall and the home. Based on the location of the proposed addition in a street-side setback area and the fact that the reduction in the street-side setback requirement is less than 25%, staff recommends approval of the Variance with standard construction conditions.

CEQA Compliance: This project is exempt from requirements of CEQA by Sections 15301 Class 1: Existing Facilities.

RECOMMENDATION

It is recommended that the City Council of the City of Villa Park adopt Resolution No. 2002-2592 Approving Conditional Use Application, as modified to exclude approval for the north side court lighting, with conditions, and Approving Variance Application No. 0474, With Conditions – 18511 Durfee Circle; David and Dana Kracke.