

## **PUBLIC HEARINGS**

**CITY COUNCIL  
May 28, 2002**

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

**SUBJECT:** Consideration of Conditional Use Permit No. 0483 for an Accessory Structure With a Garage Door Exceeding 8 Feet in Height and More than 4 Garage Spaces on the Property – Location: 9861 Briley Way; Applicant: Michelle R. Penna.

### **BACKGROUND**

The applicant is requesting permission to allow a newly constructed detached garage with a garage door greater than 8 feet in height to remain. The property owner intends to use the garage to house a recreational vehicle and boat.

The applicant is also requesting permission to allow a total of 5 garage stalls on the property.

### **AUTHORITY**

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 a Conditional Use Permit for any accessory building or structure that is usual and customary or incidental to a principal use permitted in residential zones.

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 (4) or more or where garage doors are 8 feet or more in height.

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.

### **FINDINGS**

The subject property is located at 9861 Briley Way and is in the 100-E4-20,000 Small Estate zoning district. The lot area is 20,294 square feet. Surrounding uses are residential.

The property is presently improved with a 3,273 s.f. one-story, single-family residence and a 600 s.f. garage.

Planning approval of the detached garage was missed during the plan check process and as such, this is an after-the-fact approval.

The proposed garage would contain 1,280 square feet and would comply with the lot coverage, gross floor area and building setback requirements.

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

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

### **FISCAL IMPACT**

None.

### **RECOMMENDATION**

That the City Council adopt Resolution No. 2002-2604 approving Conditional Use Permit #0483, With Conditions; 9861 Briley Way – Applicant: Michelle R. Penna.

### **CONDITIONS OF APPROVAL**

1. The structure shall be in accordance with the approved plans on file with the City Clerk.
2. The structure shall be screened from view with trees and shrubs for aesthetic purposes.
3. No temporary toilet facilities are permitted in front setback areas.
4. The conditional use 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.
5. The conditional use 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.