

PUBLIC HEARINGS

**CITY COUNCIL
JANUARY 28, 2003**

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

SUBJECT: Consideration of Conditional Use Permit No. 0522 for Two Accessory Structures on the Property – Location: 18575 Martinique Court; Applicant: Larry and Amy Gates.

BACKGROUND

The applicants are requesting a conditional use permit to construct two accessory structures on their property at 18575 Martinique Court.

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.

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 18575 Martinique Court and is in the 100-E4-20,000 Small Estate zoning district. It is an irregularly shaped lot of approximately 28,179 square feet. The property is improved with a two-story single-family residence of 4,646 square feet.

The property owner is requesting two Conditional Use Permits to allow the construction of a 150 square foot gazebo and barbecue area and a 75 square foot outdoor fireplace. All structures comply with the setback, floor area, lot coverage, and height restrictions under the Conditional Use Permit.

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.

STAFF RECOMMENDATION

Staff recommends approval of this application.

APPROVAL MOTION

Adopt Resolution No. 2003-2658, A Resolution of the City Council of the City of Villa Park approving Conditional Use Permit #0522, for two accessory structures, with conditions; – Applicants: Larry and Amy Gates.

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. If deemed necessary by the City Engineer, a street dedication and improvement bond shall be required for all work exceeding three hundred (300) square feet of floor area prior to issuance of any building permit.
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. Temporary toilet facilities are not permitted in the front setback areas.
7. 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.
8. 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.