

## **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 and Variance Permit No. 0521 –  
Location: 9251 Rama Street; Applicants: Karl and Lori  
Kreutziger.

### **BACKGROUND**

The applicants are requesting conditional use permits for the following:

- Construction of an addition to a single-family residence above 25 feet in height
- 4 or more garage stalls on the property
- Recreational court lighting

The applicants are also requesting a variance from the fence height requirement in the front yard setback area.

### **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.

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 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 9251 Rama Street and is in the 100-E4-20,000 zoning district. It is a regularly shaped lot of approximately 37,014 square feet. The property is improved with a two-story single-family residence of approximately 2,839 square feet.

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

The property owner is requesting three Conditional Use Permits and a Variance to add a two-story addition, additional garage spaces, a lighted recreational court, and a front yard fence and gate. The two-story addition to the property consists of 3,426 square feet. The garage addition, to include a RV garage, consists of 1,080 square feet. Total floor area of the new home, including porches and balconies, is 9,818 – total lot coverage is 6,362 square feet. The addition is proposed at a maximum height of 27'3". The structure complies with all lot coverage, setback, floor area, and height restrictions.

The property owner is also proposing the addition of recreational court lighting at the rear of the property. The proposed lighting and design complies with the City's recreational court lighting standards.

The property owner is requesting a Variance to construct a proposed 5-foot fence across the property frontage within the required 20-foot front yard setback for fences and walls in excess of 42 inches. The proposed fence covers the entire frontage of the property and includes a pedestrian gate, second driveway gate, and main drive entry gate in excess of 6 feet in height.

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

## **FISCAL IMPACT**

None.

## **STAFF RECOMMENDATION**

Staff can recommend approval of the Conditional Use Permits for the two-story addition, garage spaces, and recreational court lighting. However, staff cannot recommend approval of the fence and gates along the property frontage.

### **APPROVAL MOTION**

Adopt Resolution No. 2003-2657, A Resolution of the City Council of the City of Villa Park approving Conditional Use Permit No. 0521 for a residential addition above 25 feet in height, recreational court lighting, and 4 or more garage spaces on the property, with conditions; 9251 Rama Street – Applicants: Karl and Lori Kreutziger.

### **RECOMMENDED ACTION**

It is recommended that the City Council open the 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. The height of the proposed addition shall not exceed 27'3".
4. 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.
5. 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.
6. 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.
7. Temporary toilet facilities are not permitted in the front setback areas.
8. 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.
9. 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.