

PUBLIC HEARINGS

CITY COUNCIL
JANUARY 28, 2003

To: Mayor and City Council

From: George J. Rodericks, City Manager

Originated by: Kathy Adrian, City Clerk

SUBJECT: Consideration of Variance Application No. 0520 – Location: 18221 James Road; Applicant: Mark Winn.

BACKGROUND:

The applicant is requesting a variance to construct an addition to his single-family residence that would encroach 6.25 feet into the rear yard setback area.

AUTHORITY:

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 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 18221 James Road and is in the 100-E4-20,000 Small Estate zoning district. It is a regularly shaped lot of approximately 19,200 square feet. The property is improved with a one-story single-family residence with a total living area of 4,689 square feet.

The property owner is proposing an addition of 720 square feet at the rear of the property. The addition encroaches into the rear yard setback. In November 2002, the property owner requested a Variance to encroach into the required rear yard setback of 25 feet by 15 feet thereby leaving a setback of 10 feet. Staff recommended denial of the Variance request due to the excessive encroachment into the rear yard setback without justification. The Variance request was denied by the City Council at the November Meeting.

The applicant is before the City Council again tonight to request a Variance to allow the rear addition to encroach into the required rear yard setback of 25 feet by 6.25 feet thereby leaving a setback of 18.75 feet. The addition complies with all lot coverage and height restrictions.

Section 23-20.1 of the Villa Park Municipal Code allows for approval of minor modifications or adjustments to certain requirements of the zoning code when such requests constitute a reasonable use of property not permissible under a strict literal interpretation of the regulations. An adjustment is any variance to the terms or requirements of the zoning code which, if granted would result in a decrease of not more than twenty-five (25) percent of the required rear or side yard setback.

Staff reviewed this application as a minor modification and can support the reduction of the rear yard setback at a maximum of 25% of 6.25 feet. If approved this evening at a 25% reduction, the applicant would be required to maintain a rear yard setback of 18.75 feet. The site plan submitted by the applicant this evening reflects the requested modification; however, the floor plan portion of the plans will need to be adjusted to correctly reflect the modification.

The applicant has also requested a waiver of fees for submittal of this second Variance 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. 2003-2656, A Resolution of the City Council of the City of Villa Park approving Variance Permit #0520, for a variance from the rear yard setback requirement, with conditions; 18221 James Road – Applicant: Mark Winn.

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. A rear yard setback shall be maintained at 18.75 feet.
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 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 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.