

PUBLIC HEARINGS

**CITY COUNCIL
July 23, 2002**

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. 0495 – Location: 18442 Jocotal Avenue; Applicant: Lottie Steuart.

BACKGROUND:

The applicant is requesting a conditional use permit to allow construction of a detached pool house and a detached two-car garage.

The applicant is also requesting variances from the required setbacks for the proposed structures.

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 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 on the property. In addition, a Conditional Use Permit is required for all “second dwelling units”. By definition, a “second dwelling unit” is an attached or detached dwelling unit containing sleeping quarters and kitchen and bathroom facilities independent of the principal dwelling unit.

The public hearing process allows for a review of the exterior elevations of proposed additions in order to assess their impact on adjacent properties.

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 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 a level, rectangular lot containing 20,167 square feet. It is located in the 100-E4-20,000 Small Estate zoning district. Surrounding uses are residential. Staff has visited the

site for purposes of viewing the property as it relates to this request. The lot is improved with a one-story, single-family residence of approximately 3,557 square feet.

The applicants are proposing an additional 2-car garage, attached with a breezeway, bringing the total garage spaces to 5. A Conditional Use Permit is required for the structure due to the fact that it brings the total garage spaces to greater than 4 or more. The applicants are proposing a detached poolhouse as a second dwelling unit. A Conditional Use Permit is required for the structure due to the fact that it is detached and is considered a second dwelling unit.

All of the additions on the property meet the requirements for lot coverage, floor area and height restrictions. The garage addition meets all the City's requirements for setbacks. Due to the structure being attached to the main structure by the breezeway, the garage addition is considered part of the main structure and has a 30-foot front setback requirement. The structure is set back 47 feet, 9 inches from the front property line.

A variance is required for the detached poolhouse due to the fact that it encroaches into the rear and side yard setback areas. The minimum setbacks for the detached structure are 10 feet as measured to the wall of the building. Eaves on a detached structure are limited to 30 inches. The applicant is proposing to encroach into the rear and side yard setbacks by 2 feet as measured to the wall of the building. As drawn, the eaves are shown at 36 inches; however, the eaves would be limited to 30 inches unless an extension was granted pursuant to the variance. The reduction in setback represents a reduction of 20% from the required rear and side yard setbacks.

Based on the size and shape of the property, there does not appear to be exceptional or extraordinary circumstances applicable to the property. Because the pool house is considered a habitable structure, the applicants cannot place the structure any closer than 10 feet to the main residence. This limits their ability to move the structure inward from its proposed location; however, there may be an alternative location on the property for the structure where it meets all of the required setbacks. If, in the Council's opinion, the strict or literal interpretation and enforcement of the City's zoning regulations creates a practical difficulty or unnecessary physical hardship inconsistent with the objectives of the Code on the applicant, there is sufficient findings for a Variance.

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.

RECOMMENDATION:

It is recommended that the City Council conduct a Public Hearing and, if appropriate, adopt Resolution No. 2002-2627 Approving Conditional Use Permit and Variance Application No. 0495 for a detached pool house encroaching into the rear and side yard setbacks and a two-car garage encroaching into the front yard setback, with conditions – Location: 18442 Jocotal Avenue – Applicant: Lottie Steuart.

CONDITIONS OF APPROVAL:

1. The structure shall be in accordance with the 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. No temporary toilet facilities are permitted in front setback areas.
3. The maximum height of the patio structure shall be as shown on the approved plans.
4. Building permits and approvals must be obtained prior to commencement of construction. There may be additional details and approvals required by the City Building Official or City Engineer.
5. 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.
6. 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.