

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 Application No. 0494 – Location: 18262 Winn Circle; Applicants: John and Darci West

BACKGROUND

The applicants are requesting a conditional use permit for construction of a freestanding patio cover and a variance to allow the patio cover to encroach into the rear yard setback by 7 feet, 5 inches.

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.

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 18262 Winn Circle and is in the 100-E4-20,000 Small Estate zoning district. The lot area is 18,500 square feet and is a substandard lot within the E4 zone. The lot is improved with a one-story, single-family residence of approximately 4,800 square feet and an attached garage of 550 square feet. Surrounding uses are residential.

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

A Conditional Use Permit is required for all detached structures. The applicant is requesting a Conditional Use Permit to allow the construction of a 144 square foot patio cover that would be built to a height of 12 feet, 8 inches on a pre-existing concrete pad. The structure complies with all lot coverage, gross floor area and building height requirements for detached structures.

A variance is required for all structures encroaching into a required setback. At the eave, the proposed patio structure encroaches 7 feet, 5 inches into the required 10 foot rear yard setback. This is a reduction in the setback of 75%.

In 1996, a variance was granted to the previous property owner when a similar patio cover was planned. Only the concrete pad was built, but the project was never completed and the variance expired.

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

FISCAL IMPACT

None.

RECOMMENDATIONS

It is recommended that the City Council conduct a Public Hearing and, if appropriate, adopt Resolution No. 2002-2626 approving Conditional Use and Variance Permit #0494 for a freestanding patio cover encroaching into the rear yard setback area, with conditions; 18262 Winn Circle – Applicants: John and Darci West.

CONDITIONS OF APPROVAL

1. The structures 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 12 feet, 8 inches.
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 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.
6. 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.