

PUBLIC HEARINGS

**CITY COUNCIL
JULY 22, 2003**

To: Mayor and City Council

From: George J. Rodericks, City Manager

SUBJECT: Consideration of Variance Permit No. 0546; Location: 18561 Durfee Lane

BACKGROUND

The applicants are requesting permission to construct an addition to an existing residence that will encroach into the required 13 foot side setback by 3 feet.

AUTHORITY

Variance Permits

The Zoning Code authorizes the City Council to approve Variances from the terms of the zoning chapter when, because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the zoning chapter deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone. The City Council shall make the following findings before granting a Variance Permit:

1. That strict or literal interpretation and enforcement of the regulation would result in a practical difficulty or unnecessary physical hardship inconsistent with the objectives of the Zoning Code; or
2. That there are exceptional or extraordinary circumstances or conditions applicable to the property or the intended use of the property that do not apply generally to other properties in the same zone; or
3. That strict or literal interpretation and enforcement of the regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the same zone; and
4. That the granting of the variance will not constitute the granting of a special privilege; and
5. That the granting of the variance will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

CUP No. 0549

July 22, 2003

Page 2 of 3

Article 23-6.7 of the Villa Park Municipal Code specifies that the side setback for properties within the E4 Small Estate Zone be maintained at 10 percent of the average lot width, but not less than 10 feet nor more than 20 feet.

FINDINGS

The subject property is located at 18561 Durfee Lane and is in the E4 Small Estate zoning district. The lot area is approximately 21,000 square feet and surrounding uses are residential.

The applicant is proposing to construct a bathroom addition to the property that will encroach into the required side yard of 13 feet by 3 feet thereby reducing the setback to 10 feet. This represents a reduction in the side yard setback of 23 percent.

The layout of the property is such that the side lot lines are not perpendicular to the front and rear lot lines creating an angled parcel.

Based on a review of the project application, the proposed project meets the objectives of the Villa Park Zoning Code and complies with lot coverage, floor area, and height requirements. However, the project reduces the required side yard setback and therefore does not meet the Code requirements in this area. This reduction is less than 25 percent and under the City's Zoning Code may be considered as an Adjustment. An Adjustment is a minor modification of the requirements of the Zoning Code where such requests constitute a reasonable use of the property not permissible under a strict literal interpretation of the regulations. Minor adjustments are subject to all the same findings of fact necessary for granting a Variance.

CEQA COMPLIANCE

This project is exempt from requirements of the California Environmental Quality Act by Section 15301 – Existing Facilities – Class 1. Class 1 includes the minor alteration of existing private structures involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

FISCAL IMPACT

None.

STAFF RECOMMENDATION

Staff recommends approval of this application.

APPROVAL MOTION

Adopt Resolution No. 2003-2699, a Resolution of the City Council of the City of Villa Park approving Variance Permit No. 0546, with conditions; Location: 18561 Durfee Lane.

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. If deemed necessary by the Building Inspector or City Engineer, 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. This 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.
8. This 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.