

PUBLIC HEARINGS

CITY COUNCIL
June 25, 2002

To: Mayor and City Councilmembers
From: George J. Rodericks, City Manager
Originated by: Kathy Adrian, City Clerk

SUBJECT: Consideration of After-the-Fact Conditional Use and Variance Application No. 0489 to Permit a Detached Patio Cover Encroaching into the Side Yard Setback Area – Location: 18941 El Moro Way; Applicants: Ken and Joy Dahlberg.

BACKGROUND

The applicants are requesting an after-the-fact conditional use permit for construction of a detached 396 s.f. patio cover.

The applicants are also requesting a variance from the side yard building setback requirement of 10 feet, 4 inches to 8 feet, 9 inches.

AUTHORITY

Conditional Uses. 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.

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 18941 El Moro Way and is in the 100-E4-20,000 zoning district. The lot area is 21,200 square feet.

The property is presently improved with a 3,800 s.f. one-story residence and a 506 s.f. attached garage. Surrounding uses are residential. Staff has visited the site for purposes of viewing the property as it relates to this request.

A small portion of the patio cover would encroach into the setback area by 14 inches at the southwesterly corner of the property. The post of the structure complies with the minimum setback at 10 feet, 4 inches. The eave projects beyond the post and encroaches into the setback. The structure would comply with the lot coverage, gross floor area and height requirements.

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

FISCAL IMPACT

None.

RECOMMENDATION

That the City Council adopt Resolution No. 2002-2621 approving After-the-Fact Conditional Use and Variance Permit #0489, With Conditions; 18941 El Moro Way – Applicants: Ken and Joy Dahlberg.

CONDITIONS OF APPROVAL

1. The structure shall be in accordance with the approved plans on file with the City Clerk.
2. The eave overhang along the rear and side property lines of the patio cover shall be limited to 30 inches.
3. No temporary toilet facilities are permitted in front setback areas.
4. 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.
5. 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.