

## **PUBLIC HEARINGS**

**CITY COUNCIL  
June 24, 2003**

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

**SUBJECT:** Consideration of Conditional Use Permit No. 0543 for Construction of a Freestanding Fireplace– Location: 10111 Briley Way; Applicant: John Sarkaria.

### **BACKGROUND**

The applicant is requesting a conditional use permit to construct a freestanding fireplace on the property at 10111 Briley Way.

### **AUTHORITY**

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.

### **FINDINGS**

The subject property is located at 10111 Briley and is 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.

A Conditional Use Permit is required for all detached structures. The applicant is requesting a Conditional Use Permit to allow the construction of a 24 x 36" fireplace that would be 9' in height. The structure would comply with all lot coverage, gross floor area, and setback requirements for detached structures.

**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. 2003-2691 approving Conditional Use Permit #0543 for a freestanding fireplace, with conditions; 10111 Briley Way – Applicant: John Sarkaria.

### **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. 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. The conditional use 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. The conditional use 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.