

PUBLIC HEARINGS

**CITY COUNCIL
MARCH 25, 2003**

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

SUBJECT: Consideration of Conditional Use Permit No. 0526 for Construction of a Pool Structure – Location: 18441 Valley Drive; Applicant: Todd Essenmacher.

BACKGROUND

The applicant is requesting a Conditional Use Permit for a pool structure on the property at 18441 Valley Drive.

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 property owner is requesting permission to complete construction of a pool on his property. Typically, pools do not require Conditional Use Permit approval as they do not exceed 7' in height and are not considered "structures" under the City's planning guidelines. This project was approved through the Site Plan Review process with conditions that walls shall not exceed a height of 6' without approval.

However, during construction it was determined that due to the type of pool construction (i.e. vanishing pool), the down slope height of the pool would exceed a height of 7' dramatically. The attached sketch indicates that the down slope height of the pool and associated retaining wall will be approximately 13'6". The applicant is proposing to soften the impact of the wall by including a vine planter, stone veneer and trees.

As staff reviewed the application, it was determined that the pool would constitute a "structure" and the height of the down slope wall was of such a height that the pool itself became an accessory structure and was therefore subject to the City's guidelines for accessory structures. Such guidelines require approval through a Conditional Use Permit process and have the following minimum standards:

- The height of the structure shall not exceed 15 feet.
- The structure shall be no closer than 10 feet to the property line.

However, even these guidelines do not fully provide staff with a standard by which to evaluate the structure. To assist in evaluating the project, staff looked to the City guidelines for decks. A “deck” is a platform that is freestanding or attached to a building or structure. Decks may project from a site out over a slope and the height of such deck shall be measured from the lowest finished grade to the top of the guardrail. Such height shall not exceed a maximum height of 15 feet. Using this standard, the pool structure could be determined to be in compliance.

FISCAL IMPACT

None.

STAFF RECOMMENDATION

Staff recommends approval of this application.

APPROVAL MOTION

Adopt Resolution No. 2003-2663, A Resolution of the City Council of the City of Villa Park approving Conditional Use Permit No. 0526, for a pool structure, with conditions; 18441 Valley Drive – Applicant: Todd Essenmacher.

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.