

PUBLIC HEARINGS

CITY COUNCIL
May 27, 2003

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. 0541 – Location: 18391 Santiago Blvd.; Applicant: Steve Chorak.

BACKGROUND

The applicant is requesting a conditional use permit for construction of a new single-family residence above 25 feet in height.

The applicant is also requesting a variance from the side yard setback.

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 that residential structures exceeding 25 feet in height obtain a Conditional Use Permit. The height limit is established at a maximum of 32 feet.

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.

Article 23-18.1 states: "If at any time any building in existence or maintained at the time this Code or amendments thereto take effect which does not conform to the regulations for the zone in which it is located shall be destroyed by fire, explosion, act of God or act of the public enemy to the extent of more than fifty (50) percent of the total replacement value thereof, then and without further action by the City Council said building and the land on which said building was located or maintained shall from and after the date of such destruction be subject to all the regulations specified by this Code for the zone in which such land and building are located."

FINDINGS

The subject property is located at 18391 Santiago Boulevard and is in the 100-E4-20,000 Small Estate zoning district. It is a narrow rectangularly-shaped lot with a property width of 66 feet and a depth of 314 feet. The lot area is 20,724 square feet. Surrounding uses are residential.

At their City Council Meeting in September, 2002, the City Council approved Conditional Use and Variance Permit No. 0507 for an addition to the existing single-family residence to raise the roof height to a maximum of 32 feet, and a 5-foot variance from the west side of the property.

In April, 2003, the applicant's residence was completely destroyed by fire.

Staff has visited the site for purposes of viewing the property as it relates to this request. The lot is improved with a detached second dwelling unit and a detached garage.

Staff is of the opinion that the requested roof height is compatible with surrounding properties.

With regard to the variance, the applicant is requesting a side yard setback of 5 feet. The existing main residence maintained a 5-foot side yard setback. The applicant proposes to rebuild the structure consistent with the pre-existing conditions. The City's Zoning Code does provide an exception for narrow lots; however, that exception only applies to lots with an average width of 50 feet. The applicant's property maintains a width of 66 feet.

The proposed project meets the required lot coverage and floor area limitations for structures under the City's Zoning Code.

CEQA Compliance: This project is exempt from requirements of CEQA by Sections 15301 Class 1: Alteration of Existing Structures and 15305 Class 5: Minor Alterations in Land Use Limitations.

FISCAL IMPACT

None.

STAFF RECOMMENDATION

In September 2002, the applicant was approved for an addition to the previously existing structure. Due to the fire, the applicant's pre-existing residence lost its legal non-conforming status and to rebuild, the applicant requires a variance. Staff recommends approval of this application.

APPROVAL MOTION

Adopt Resolution No. 2003-2683, A Resolution of the City Council of the City of Villa Park approving Conditional Use and Variance Permit No. 0541, with conditions; 18391 Santiago Boulevard – Applicant: Steve Chorak.

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. The roof height shall be no more than 32 feet in height.
3. 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.
4. 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.
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 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.
8. 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.