

## 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 Permit No. 0539 for Four Detached Structures and a Variance from the Front Yard Setback Area for Two of the Structures – Location: 18161 Serrano Avenue; Applicants: Robert and Mirna Hess.

### **BACKGROUND**

The applicants are requesting conditional use permits for the following detached structures:

- Garden gazebo
- Garden overhead structure
- Patio structure
- Spa and barbecue area overhead structure

The applicants are also requesting a variance from the front yard setback area for two of the structures.

### **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 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.

## **FINDINGS**

The subject property is located at 18161 Serrano Avenue and is in the 100-E4-20,000 zoning district. The lot area is approximately 46,500 square feet. The property is developed with an existing single-story residence, garage and boathouse. Surrounding uses are residential.

Staff has visited the site for purposes of viewing the property as it relates to this request.

The proposed additions would contain a total of 1,122 square feet. The additions comply with the height, lot coverage and gross floor area requirements.

The Villa Park Zoning Code establishes the front yard setback for a detached structure at 50 feet. The applicants are requesting a 12' 5" encroachment into the front yard setback for the garden overhead structure and a 21' 10" encroachment into the front yard setback for the gazebo. The spa and barbecue overhead structure will not encroach into the side yard setback of 10'.

**CEQA Compliance:** This project is exempt from requirements of CEQA by Section 15303 Class 3: New Construction or Conversion of Small Structures.

## **FISCAL IMPACT**

None.

## **STAFF RECOMMENDATION**

Staff can recommend approval of the conditional use permits for the patio structure and the spa and barbecue overhead structure. However, staff cannot recommend approval of the variance requests, and therefore cannot support the conditional use permits for the gazebo and garden overhead structure in their current locations. If they were relocated to comply with the City's setback requirements, staff could recommend approval.

## **APPROVAL MOTION**

Adopt Resolution No. 2003-2681, A Resolution of the City Council of the City of Villa Park approving Conditional Use and Variance Permit No. 0539 for Four Detached Structures and a Variance from the Front Yard Setback Area for Two of the Structures – Location: 18161 Serrano Avenue; Applicants: Robert and Mirna Hess.

## **RECOMMENDED ACTION**

It is recommended that the City Council open the 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 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.