

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 Variance Application No. 0537 – Location: 17841 Morrow Circle.; Applicant: Jay Tukhi.

BACKGROUND

The applicant is requesting a variance for construction of a garage addition to the existing single-family residence that would encroach into the side yard setback by five feet.

AUTHORITY

The Zoning Code authorizes the City Council to approve, conditionally approve, or disapprove variance applications. Variances 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 17841 Morrow Circle and is in the 100-E4-20,000 Small Estate zoning district. It is a narrow rectangularly-shaped lot with a property width of 86.36 feet and a depth of 110.02 feet. The lot area is 9,397 square feet. Although the property is in the E-4 zone, of the 14 parcels on Morrow Circle, 5 are properly in the R-1 zone based on square footage. Based on the size of the subject parcel, this property should also be in the R-1 zone. A copy of the relevant section of the zoning map is attached. Surrounding uses are residential.

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

The applicant is requesting a side yard setback of 5 feet along the east property line. The existing main residence already maintains a 5-foot side yard setback along the west property line.

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

Staff recommends approval of this application.

APPROVAL MOTION

Adopt Resolution No. 2003-2679, A Resolution of the City Council of the City of Villa Park approving Variance Permit No. 0537, with conditions; 17841 Morrow Circle – Applicant: Jay Tukhi.

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. 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.
5. Temporary toilet facilities are not permitted in the front setback areas.
6. 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.
7. 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.
8. A residential site review from the Orange County Fire Authority is required prior to issuance of building permits.