

PUBLIC HEARINGS

**CITY COUNCIL
SEPTEMBER 23, 2003**

To: Mayor and City Council

From: George J. Rodericks, City Manager

SUBJECT: Consideration of Conditional Use Permit No. 0553; Freestanding Patio Cover and Outdoor Fireplace – Location: 9861 Briley Way (Jeri Kartozyan)

BACKGROUND

The applicants are requesting permission to construct a freestanding patio cover and outdoor fireplace.

AUTHORITY

Conditional Use Permits

In order to give the City's current zoning regulations the flexibility necessary to achieve the objectives of the Zoning Code, the City Council has the authority to permit conditional uses subject to the approval of a Conditional Use Permit. Because of their unusual characteristics, Conditional Use Permits require special review and consideration so that they may be located properly with respect to the objectives of the City's zoning regulations and with respect to their effects on surrounding properties. To achieve these objectives, the City Council is empowered to grant and to deny applications for conditional use permits and to impose reasonable conditions upon the granting of such permits. The City Council shall make the following findings before granting a Conditional Use Permit:

- 1) The project is in accord with the objectives of the Villa Park Zoning Code and the purpose of the Zone in which it is located.
- 2) The project is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
- 3) The project complies with all applicable provisions of the Zoning Code.

Article 23-6.6 of the Villa Park Municipal Code requires a Conditional Use Permit for all accessory structures exceeding seven (7) feet in height. A freestanding patio cover is considered an accessory structure.

FINDINGS

The subject property is located at 9861 Briley Way and is in the E4 Small Estate zoning district. The lot area is approximately 20,000 square feet and surrounding uses are residential.

The applicant is proposing a freestanding patio cover in the rear yard with a height of 9 feet and 10 inches. The applicant is also proposing a detached outdoor fireplace with a height of 12 feet to the top of the chimney.

Structures over seven (7) feet in height require a Conditional Use Permit and must abide by the ten (10) foot setback requirement. Based on a review of the project application, the proposed project meets the objectives of the Villa Park Zoning Code and complies with lot coverage, floor area, setback, and height requirements.

CEQA COMPLIANCE

This project is exempt from requirements of the California Environmental Quality Act by Section 15303 – New Construction or Conversion of Small Structures – Class 3. Class 3 includes the construction of new structures; the installation of new equipment and facilities in small structures; and the construction of a single-family residence or a second dwelling unit in a residential zone.

FISCAL IMPACT

None.

STAFF RECOMMENDATION

Staff recommends approval of this application.

APPROVAL MOTION

Adopt Resolution No. 2003-2712, a Resolution of the City Council of the City of Villa Park approving Conditional Use Permit No. 0553, for a freestanding patio cover and outdoor fireplace, with conditions; Location: 9861 Briley Way.

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. If deemed necessary by the Building Inspector or City Engineer, 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. This 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. This 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.