

## **PUBLIC HEARINGS**

**CITY COUNCIL  
September 24, 2002**

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. 0507 –  
Location: 18391 Santiago Blvd.; Applicant: Steve Chorak.

### **BACKGROUND**

The applicant is requesting a conditional use permit for construction of an addition to the existing single-family residence that would raise the roof height to a maximum of 32 feet.

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.

**Variances.** 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 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.

Staff has visited the site for purposes of viewing the property as it relates to this request. The lot is improved with a single-family residence, 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 already maintains a 5-foot side yard setback. The applicant would maintain the current setback consistent with 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**

Staff recommends approval of this application.

### **APPROVAL MOTION**

Adopt Resolution No. 2002-2644, A Resolution of the City Council of the City of Villa Park approving Conditional Use and Variance Permit No. 0507, 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.