

PUBLIC HEARINGS

CITY COUNCIL
APRIL 23, 2002

To: Mayor and City Council

From: George J. Rodericks, City Manager

Originated By: Kathy Adrian, City Clerk

SUBJECT: Consideration of Variance Application No. 0479 – Location: 18152 Lincoln Street; Applicant: Mr. and Mrs. Russell Reidsema

BACKGROUND

The applicants are requesting an after-the-fact variance to allow an existing 12-foot high sports theme wall located perpendicular to the rear property line to remain.

The applicants are also requesting variance approval to install 7 feet of mesh screening on top of an existing 5-foot block wall at the rear and side of their property bringing the total wall height up to 12 feet. Current zoning restricts perimeter side and rear fencing/walls to six feet in height.

The bedroom and patio additions shown on the plans are not a part of this application.

AUTHORITY

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 by specific findings of special circumstances.

FINDINGS

The subject property is located at 18152 Lincoln Street and is in the 100-E4-20,000 Small Estate zoning district. It consists of a rectangular-shaped lot with a total area of 20,000± square feet. Surrounding uses are residential. Staff has visited the site for purposes of viewing the property as it relates to this request.

Article 23-17 of the City's Zoning Code regulates recreational courts. It is staff's opinion that review of this application should be done under these guidelines based on the applicant's statement for use and justification of the improvements.

The City may limit the height and location of fencing with respect to the property line of the property as it shall deem necessary, taking into consideration the site, location, terrain, existing natural barriers, such as trees, shrubs, or hillsides, and the proximity of the recreational area to any public or private street. In addition, impacts of the fencing on adjoining property owners shall also be considered. Unless special conditions exist, fencing shall not exceed ten (10) feet.

The guidelines also direct that no net, canvas or other screening device can be attached to the fence in excess of the normal height restriction on any front, side, or rear yard setback if it is determined that such net, canvas or screening would unduly interfere with any adjoining property owner. No view-obstructing fencing is permitted unless exceptional circumstances exist with respect to the property.

Staff review of the subject property found no exceptional or extraordinary circumstances to warrant approval of perimeter fencing beyond the six (6) foot maximum. Therefore, staff cannot recommend approval of the variance request to install mesh screening atop the existing five (5) foot block wall.

In addition, the existing sports wall is located immediately adjacent to the rear property line. As this is an after-the-fact request in response to a code enforcement investigation, particular attention must be paid to the impact of the sports wall on neighboring properties. In its current configuration, staff cannot recommend approval.

Using the recreational court guidelines, if the sports wall were reduced in height to ten (10) feet and relocated a minimum of five (5) feet off the rear property line, staff could recommend approval. If modified, such approval would be required as a Conditional Use Permit for a recreational court.

CEQA Compliance: This project is exempt from requirements of CEQA by Sections 15301 Class 1: Existing Facilities.

RECOMMENDATION

It is recommended that the City Council of the City of Villa Park Deny Variance Application No. 0479 to Allow an Existing 12-foot High Sports Theme Wall to Remain and Deny the installation of 7 feet of Mesh Screening on Top of an Existing 5-foot High Block Wall – 18152 Lincoln Street; Russell and Nancy Reidsema.