



December 5, 2017

Ms. In Ae Choi
Choi Ashlyn 2015 Trust
5101 Gould Avenue
La Canada Flintridge, CA 91011

**RE: REASONABLE ACCOMMODATION
CASE NO. PRACCOM 1720918
3630 VIRGINIA STREET**

Dear Ms. Choi:

On December 5, 2017, the Director of Community Development, pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.52, **APPROVED WITH CONDITIONS** your application for a Reasonable Accommodation to allow a maximum four-foot high wood/wrought iron fence along the street front property line and a gate along the driveway, where no fencing is permitted in the street front setback (minimum 25 feet), for an existing residence located in the "R1" Low Density Residential Zone, Floor Area District II, addressed at **3630 Virginia Street**.

After considering the evidence presented with respect to this application, the Director of Community Development has granted, with conditions, your application based on the following findings:

- A. The dwelling is occupied by a person with a disability, as defined under the Federal Fair Housing Amendments Act of 1988 and California's Fair Employment and Housing Act, herein known as the "Acts". The applicant's son's family lives in the dwelling unit, and a young member of the family, who meets the definition of disabled under the Act, has been prone to leaving the property without notice or supervision. The applicant/tenants previously installed a fence without permits to help prevent the minor from wandering off the property alone. Neighborhood Services has an open code enforcement case for the illegal wrought iron fence along the street front property line and across the driveway, connecting to the unpermitted wood fence along the easterly interior property line. The applicant has submitted the reasonable accommodation request to maintain the fencing and gate located within the street front setback in order to help contain the disabled resident's movement within the subject property.
- B. The requested accommodation is necessary to make the dwelling/property available to an individual with a disability protected under the Acts. As noted in Finding A, a family with a child with a disability who resides on the property. Given the child's condition, it appears to be in the best interest of the family and the child to have a more secured environment that includes fencing around the perimeter of the property.
- C. The requested fence and gate within the street front setback area are accommodations that are directly and reasonable related to the disability, and are necessary to help protect the safety of the child, to avoid disturbances in the neighborhood, and ultimately, to accommodate the child's disability to live at the property.

- D. The requested accommodation will not impose an undue financial or administrative burden on the City. The applicant will be required to obtain a building permit from the Building & Safety Division for the fencing and gate. The applicant has or will pay for all construction work, materials and permits, and will impose no financial or administrative burden on the city.
- E. The fencing and gate would not require a fundamental alteration in the nature of the City's overall land use and zoning program. The subject lot is located in the "R1" Low Density Residential Zone, Floor Area District II, and is improved with one dwelling unit and one detached garage. According to the Zoning Code, GMC 30.11.030, the minimum front setback is 25 feet, and there are no general exceptions to allow fences or gates in the street front setback area. The reasonable accommodation request is to permit a wrought iron fence and gate along the front property line and across the driveway, connecting to a wood fence along the easterly interior property line. The land use will remain single family residential and the low fencing along front perimeter of property will allow for a disabled person to move about the property more freely while ensuring a safer, more contained environment for the autistic child. As a result, the request will not require a fundamental alteration in the overall land use and zoning program for the City.
- F. The requested accommodation in the form of a fence and gate within the street front setback, considered singly and the project in total, would be in keeping with and not detrimental to the neighborhood character and would not result in a substantial increase in traffic. No changes are proposed to the existing 1,520 SF, one-story single family house or site plan, except for the legalization of the fencing and gate within the street front setback. As such, the requested accommodation would not result in a substantial increase in traffic. Furthermore, the wrought-iron fencing and gate across the front of the property still allows for visibility from the street and somewhat maintains the openness of the front yard area, which is the intention of the street front setback standards. The connecting wood fence along the easterly property line abuts a heavily landscaped side setback that provides visual screening of the fence from the east. Therefore, the design and location of the fencing and gate would not be greatly detrimental to the neighborhood character of the street.
- G. The requested modification shall not run with the land, as the accommodation is for a removable fence specifically requested to help secure the property for the autistic child/resident. The fence must be removed once the child no longer lives on the property or outgrows the need for the perimeter fencing. A covenant is required since the Director of Community Development finds that a covenant is necessary to provide notice to future owners that a reasonable accommodation has been granted and that such approval shall terminate when the subject individual with the disability vacates the premises or no longer requires the accommodation.

APPROVAL of this Reasonable Accommodation shall be subject to the following conditions:

1. The reasonable accommodation (fence within the street front setback) may continue to be used and maintained by the individual with a disability for the duration of his tenancy in the dwelling. This approval shall be terminated at such time as the individual for whom the permit was granted no longer resides at the property, or no longer requires reasonable accommodation. The reasonable accommodation (the fence in the street front setback) shall be removed within sixty (60) days of the termination of the tenancy, as per Code.
2. The development shall be in substantial accord with the plans submitted with the application except for any modifications as may be required to meet specific Code standards or other conditions stipulated herein.

3. All necessary permits shall be obtained from the Permit Services Center and all construction shall be in compliance with the Glendale Building Code and all other applicable regulations.
4. Prior to issuance of any permits relative to this approved reasonable accommodation (PRACCOM 1720918), the applicant shall record a covenant in the County Recorder's Office acknowledging and agreeing to comply with the terms and conditions established in the decision, including that the fence along the front property line in the street front setback shall be removed upon the sale of the property, or when the individual no longer resides at the property, or if the accommodation is no longer essential for the individual.
5. The reasonable accommodation permit may be terminated by the review authority upon any interruption or cessation of the reasonable accommodation use for one (1) year or more in the continuous exercise in good faith or such right or privilege.

Under the provisions of the Glendale Municipal Code, Title 30, Chapter 30.62 and Ordinance No. 5582, any person affected by the above decision has the right to appeal said decision to the Planning Commission if it is believed that the decision is in error or that procedural errors have occurred, or if there is substantial new evidence which could not have been reasonably presented. Any appeal must be filed within fifteen (15) days following the actual date of the decision. Information regarding appeals and appeal forms will be provided by the Permit Services Section upon request and must be filed with the prescribed fee prior to expiration of the 15-day period, on or before **December 20, 2017,** in the Permit Services Section, 633 E. Broadway, Room 101.

The rights and privileges granted by this Reasonable Accommodation will expire two years from the date of this grant unless exercised in good faith prior to such time.

Sincerely,



For Philip Lanzafame
Director of Community Development

PL/VZ/vz

cc: Case File