



September 4, 2019

Shoghig Yepremian
P. O. BOX 583
Sierra Madre, CA 91025

**RE: 850 EAST GLENOAKS BOULEVARD
VARIANCE CASE NO. PVAR 1824584**

Dear Applicant:

The Planning Commission of the City of Glendale, at its meeting held on August 21 2019, **REVERSED** the Planning Hearing Officer's decision of denial, and **APPROVED** Standards Variance Application, to maintain an existing nonconforming driveway width of seven (7) feet-five (5) inches where nine (9) feet is required in conjunction with an addition of approximately 492 square feet to an existing 1,126 square-foot single family dwelling, located at **850 East Glenoaks Boulevard**, in the "R1" - (Low Density Residential) Zone, Floor Area District II, described as Lot 55 in Bellehurst Park Tract, in the City of Glendale, County of Los Angeles.

NOTE: THE PLANNING COMMISSION CONTINUED THE ITEM FROM AUGUST 21, 2019, FOR STAFF TO PRESENT FINDINGS AND CONDITIONS FOR APPROVAL OF THE PROJECT.

CODE REQUIRES

Standards Variance

(1) Minimum nine (9) foot driveway width.

APPLICANT'S PROPOSAL

Standards Variance

(1) To construct a 492 square foot addition while maintaining an existing non-conforming driveway width of seven (7) feet-five(5) inches.

ENVIRONMENTAL DETERMINATION

The project is exempt from environmental review as a Class 1 "Existing Facility" exemption (Section 15301(e) (1) of the State CEQA Guidelines) because this application is for the maintenance of an existing nonconforming driveway width in conjunction with a 492 square-foot addition (190 square feet at the front and 302 square feet at the rear).

A copy of the motion dated September 4, 2019, adopted by the Planning Commission is attached.

APPEAL PERIOD

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper City and public agency.

Under the provisions of the Glendale Municipal Code, Title 30, Chapter 30.62, any person affected by the above decision has the right to appeal said decision to the City Council, 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. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms within fifteen (15) days following the actual date of the decision. Information regarding appeals and appeal forms will be provided by the Permit Services Center (PSC) or the Community Development Department (CDD) upon request and must be filed with the prescribed fee prior to expiration of the 15-day period, on or before **September 19, 2019**, at the Permit Services Center (PSC), 633 East Broadway, Room 101, Monday thru Friday 7:00 a.m. to 12:00 p.m., or at the Community Development Department (CDD), 633 East Broadway, Room 103, Monday thru Friday 12:00 p.m. to 5 p.m.

APPEAL FORMS available on-line: <http://www.glendaleca.gov/appeals>

TRANSFERABILITY

This authorization runs with the land or the use for which it was intended for and approved. In the event the property is to be leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions and/or limitations of this grant.

VIOLATIONS OF THESE CONDITIONS

Violations of conditions required by this determination may constitute a misdemeanor or infraction under section 1.20.010 of the Glendale Municipal Code (GMC) and/or a

violation of other local, State or Federal laws or regulations. Unless a specific penalty is provided, any person convicted of a misdemeanor shall be punished by a fine not to exceed one thousand dollars (\$1,000.00), or imprisonment for a term not to exceed six (6) months, or by both fine and imprisonment. Infractions are punishable by a fine not exceeding the sum of five hundred dollars (\$500.00) for each violation. Violations of conditions required by this determination may be grounds for a revocation.

REVOCACTION, CONTINUING JURISDICTION

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over variances. To consider the revocation, the Planning Hearing Officer shall hold a public hearing after giving notice by the same procedure as for consideration of a variance at least ten (10) days' notice by mail to the applicant or permittee. Continuing jurisdiction over any case is the purview of the Planning Hearing Officer, with concurrence by the Director of Community Development.

GMC CHAPTER 30.4 PROVIDES FOR

Termination

Every right or privilege authorized by variance shall terminate two (2) years after the granting of such, unless the exercise of such right or privilege has commenced in good faith prior to such time, except as otherwise provided for.

Extension

An extension of the variance may be requested one time and extended for up to a maximum of one (1) additional year upon receipt of a written request from the applicant and demonstration that a reasonable effort to act on such right and privilege has commenced within the two (2) years of the approval date. In granting such extension the applicable review authority shall make a written finding that neighborhood conditions have not substantially changed since the granting of the administrative use permit.

Cessation

Any Variance may be terminated by the review authority upon any interruption or cessation of the use permitted by the Variance for one year or more in the continuous exercise in good faith of such right and privilege.

NOTICE – subsequent contacts with this office

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the case planner, Brad Collin. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **by appointment only**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

Should you have any questions regarding this issue, please do not hesitate to contact the case planner, Brad Collin, at 818-548-3210 or bcollin@glendaleca.gov

Sincerely,
Director of Community Development



Brad Collin
Senior Planner

BC:sm
Attachment

CC: City Clerk (K.Cruz/A.Adjemian); Police Dept. (J.Newton/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section- (J.Halpert); Dir. of Public Works-Y.Emrani; Traffic & Transportation Section (P.Casanova); General Manager for Glendale Water and Power (S.Zurn); Glendale Water & Power--Water Section (G. Tom/S. Boghosian/R.Takidin); Glendale Water & Power--Electric Section (B. B.Ortiz/E.Olsen/ M.Navareete/M.Kouassi); Parks, Recreation and Community Services Dept. (T. Aleksanian); Neighborhood Services Division (R.Sada/J.Jouharian/); Integrated Waste Management Admin. (D. Hartwell); Maintenance Services Section Admin. (D. Hardgrove); Street and Field Services Admin.; Engineering and Environmental Management (C.Chew/R. Villaluna);and case planner-Brad Collin.

MOTION

Moved by Planning Commissioner Chraghchian, and seconded by Planning Commissioner Astorian, that upon review and consideration of the appeal of the Planning Hearing Officer's denial of the application for a standards variance to allow the maintenance of a nonconforming driveway width of seven feet, five inches where nine feet is required in conjunction with an addition of approximately 492 square feet to an existing 1,126 square-foot single family dwelling, Case No. PVAR 1824584 ("Variance"), located at 850 East Glenoaks Boulevard ("Site"), and after conducting a public hearing on said application for the Variance, the Planning Commission hereby reverses the Planning Hearing Officer's decision, finds that the project is exempt from CEQA review as a Class 1 "Existing Facility" exemption (Section 15301(e) (1) of the State CEQA Guidelines, and **APPROVES WITH CONDITIONS**, the Variance. The determination of the Planning Hearing Officer is hereby reversed based on the information and testimony presented at the appeal hearing of August 21, 2019. In reversing the decision and approving the Variance, the Planning Commission hereby adopts the following findings pursuant to section 30.43.030 of the Glendale Municipal Code:

A. The strict application of the provisions of the ordinance would result in practical difficulties or unnecessary hardship inconsistent with the general purposes and intent of the ordinance.

The strict application of the provisions of the ordinance would result in practical difficulties or unnecessary hardship inconsistent with the general purposes and intent of the ordinance. The existing single family house was originally built in 1947 as a 3 bedroom/1 bath, 1,126 square-foot house. A detached garage is located at the rear of the property. In 2017, the current property owner remodeled the house by adding 271 square feet to the house. The proposed project also included the legalization of 220 square feet of floor area. The total addition/legalization is 491 square feet, a reasonable addition to a 1,126 square foot house. The existing driveway width at 7'-5" is a legal non-conforming condition and remained unchanged as a result of the remodel. To remove the entire house or a portion of the house to provide a 9-foot driveway for the single family house addition would create an unnecessary hardship inconsistent with the general purposes of the ordinance. Moreover, the property owner obtained all legally-required approvals and permits prior to commencement of construction, and the maintenance of an 8-foot driveway when a 9-foot driveway is required, although incorrectly calculated through inadvertent error of the applicant, was approved by the City and permits were based on the 8-foot driveway measurement. The addition was built and several interim inspections were conducted and approved based on this erroneous City approval. To require the house and/or the addition to be altered or partially demolished due to the City's erroneous approval would create an unnecessary hardship that was not entirely of the applicant's or property owner's making.

B. There are exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the same zone or neighborhood.

There are exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the same zone or neighborhood. The existing 1,126 square-foot single family house was built in 1947 on a 7,240 square foot lot. The lot width is only 47.16 feet which limits any reasonable alterations/addition or to widen the driveway width in order to comply with the Zoning Code. The 90-foot Verdugo Wash is located directly behind the property. A 10-foot Verdugo Wash access is also located to the west of the property. Therefore, any reasonable square footage addition to the house is limited by the lot size, lot frontage, wash access location, and existing house and driveway location. The granting of a variance for these exceptional and unique conditions applicable to this property are necessary to allow the property owner to use the property in the same manner as other property owners in the same neighborhood are allowed to use their property, and do not set a negative precedent.

C. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or neighborhood in which the property is located.

The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or neighborhood in which the property is located. The surrounding neighborhood's interior setback characteristics are similar to the premises in question and there already exists single family residences with varied interior setbacks, including houses with narrow driveways. The proposed corner additions continue the existing house building line and do not reduce the driveway width any further than 7'-5". The proposed project did not alter the existing on-site conditions. The driveway length to the detached garage is approximately 85 feet and therefore allows cars to be parked on the driveway without impacting on-street parking. Also, the property provides the 25-foot turn radius for the detached garage as required by current Code. Additionally, since the 7'-5" driveway has existed since 1947 without any material detrimental impacts to the community, there is no reason that allowing the property owner to continue to maintain this existing driveway length now would not have a material detrimental impact on the neighborhood. Therefore, the proposed additions to the house did not affect the existing driveway width and could be used in the same manner as used for over 71 years.

D. The granting of the variance will not be contrary to the objectives of the ordinance.

The granting of the variance will not be contrary to the objectives of the ordinance. The purpose of the driveway standards ordinances applicable here are to ensure

minimum widths for vehicle access. Pursuant to GMC Section 30.44.020(J), however, “[n]on-conforming driveways less than eight (8) feet in width on properties with an existing single family residential use where an addition to the building, or expanded or new garage is proposed may maintain a width less than eight (8) feet, as long as the non-conformity regarding driveway width is not increased, and the driveway can reasonably provide access to the garage, to the satisfaction of the director of community development.” Here, and as stated above, the proposed corner additions continue the existing house building line and do not reduce the driveway width any further than 7’-5”. The proposed project did not alter the existing on-site conditions. The driveway length to the detached garage is approximately 85 feet and therefore allows cars to be parked on the driveway without impacting on-street parking. Also, the property provides the 25 foot turn radius for the detached garage as required by current Code. Thus, the driveway can reasonably provide access to the garage. Moreover, the proposed house was renovated with proper approvals and permits (mistakenly approved at 8 feet, though this measurement was erroneous). The fact that the property owner obtained all required permits and approvals and proceeded with the project pursuant to the approved plan resulted in an updated and improved residence, with proper landscaping and a design compatible with the existing houses in the neighborhood. The intent of the Code is to promote high standards with high quality development, which has been achieved here.

CONDITIONS OF APPROVAL

APPROVAL of this Variance shall be subject to the following:

- 1) The development shall be in substantial accord with the plans submitted with the application and presented at the hearing except for any modifications as may be required to meet specific Code standards or other conditions stipulated herein to the satisfaction of the Planning Hearing Officer.
- 2) All necessary permits (i.e., building, fire, engineering, etc.) shall be obtained from the Building and Safety Division and all construction shall be in compliance with the Glendale Building Code and all other applicable regulations.
- 3) If any buildings, sidewalks, curb or gutter, fencing or landscape areas, etc., adjacent to the site are damaged during the course of construction on public or private property, the damage shall be repaired to the satisfaction of the Planning Hearing Officer for private property and the Director of Public Works for public property.
- 4) Any proposed exterior lighting shall be directed onto the driveways, walkways and parking areas within the development and away from adjacent properties and the public right-of-way to the satisfaction of the Director of Community Development.
- 5) Landscaping areas shall be maintained in good condition and free of weeds and trash.
- 6) Any expansion or modification of the facility or use shall require a new variance application. Expansion shall constitute additional floor area, or any physical change as determined by the Director of Community Development.

- 7) The premises shall be made available to any authorized City personnel (Fire, Police, Neighborhood Services, etc.), for inspection to ascertain that all conditions of approval of this variance are complied with.

VOTE

Ayes: Astorian, Chraghchian, Minassian
Noes: Shahbazian
Abstain: None
Absent: Lee