



December 23, 2019

Sipan Nazaryan  
705 Balboa Avenue  
Glendale, Ca 91206

**RE: 326 KEMPTON ROAD  
VARIANCE CASE NO. PVAR 1917961**

Dear Mr. Nazaryan:

On December 18, 2019, the Planning Hearing Officer conducted and closed a public hearing, pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.43, on your application for a Variance to allow a 175 square-foot floor area expansion to an existing two-story, 2,586 square-foot single family house while not providing the required front setback and exceeding the maximum allowed 0.40 floor area ratio., in the "R1R" Restricted Residential Zone, Floor Area District II, located at **326 Kempton Road**, described as Lot A, P.M. 1185-A, Tract No. 9152, in the City of Glendale, County of Los Angeles.

APPLICANT'S PROPOSAL

- (1) To allow a floor area expansion by enclosing the front covered porch and existing breezeway (175 square feet total) which will increase the floor area ratio to 0.41.
- (2) To enclose the front entry covered porch and existing breezeway at the front of the lot set back six from the street front property line.

CODE REQUIRES

- (1) The maximum allowed floor area ratio in the R1R zone, Floor Area Ratio District II is 0.40 for the first 10,000 square feet of lot area and 0.10 for each square footage of lot area thereafter.
- (2) A minimum of 15-foot front setback is required in the R1R zone.

ENVIRONMENTAL DETERMINATION

This project is exempt from environmental review as a Class 1 "Existing Facility" pursuant to Section 15301 of the State CEQA Guidelines because the proposed floor area addition to the existing house will not result in an increase of more than 50 percent of the floor area of the structure before the addition in an area where all public services and facilities are available and is not in an environmentally sensitive area.

## **REQUIRED/MANDATED FINDINGS**

After thorough consideration of the statements contained in the application, the plans submitted therewith, the report by the Community Development Department staff thereon, and the statements made at the public hearing with respect to this application, the Planning Hearing Officer has **GRANTED WITH CONDITIONS** your application based on the following:

**A. That the strict application of the provisions of any such 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 proposed floor area of 175 square feet entails expanding the existing second floor (at street level) located at the front between the garage and the house, by enclosing the front covered entry porch and an existing breezeway. To deny the variance request would unduly restrict the owner from achieving a reasonable expansion at the front of the house and restrict flexibility of the residential use. The addition would allow better and functional use of the floor plan. The Code intends to promote reasonable development or use of the property.

There is an existing setback variance that was granted in 1974 to allow the house to be set back three feet from the front property line and a one-foot setback for the garage. The proposal would not alter the existing front setback for the garage nor the dwelling because the proposed front setback for the addition is six feet, beyond the existing setback of three feet and one foot for the garage. Both variance requests, setback and F.A.R., are the minimum necessary to achieve what the owner intends to reasonably do with the property by making the floor plan more useful.

**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 that does not apply generally to other property in the same zone or neighborhood. The proposed addition is to fill in an existing breezeway and covered entry porch without projecting beyond the existing building or roof line. The property has an irregular shape and has a subtle curve at the front compared to the more regular straight frontages of other properties in the area. A regular shaped lot with a regular straight frontage provides more flexibility in site planning. The lots in this area vary in size and shape. In addition, the subject lot size is 6,672 square feet, which is one of the smaller lots on Kempton Road compared to the other properties, which have a minimum lot size of 7,500 square feet.

**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 to expand the existing house located six feet from the front property and exceed the maximum allowed floor area ratio will not alter the home's location, configuration nor impact abutting properties. Based on the size of the lot, the maximum allowed floor area is .40 (2,669 square feet). The applicant's request to exceed the floor area ratio by 92 square feet (2,669 square feet - 2,761 square feet) and propose a six-foot setback will not impact the neighboring properties or the neighborhood. The proposed six-foot front setback would be in keeping with other homes in the neighborhood. Further, the proposed expansion will be set back further than the existing established front setback granted by variance in 1974. Similarly, the proposed 0.41 floor area ratio would be in character with other homes in the area which have a similar floor area ratio. The objectives of the Code are intended to promote the public's health, safety and welfare and to allow reasonable development and use of property.

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

The granting of the variance will not be contrary to the objectives of the ordinance. The location and the design of the addition to the house and the request to set back the addition six feet from the property are consistent with the goals of the ordinance. The objectives of the Code are intended to promote the public's health, safety and welfare and to allow reasonable development and use of property. The proposed addition is designed to integrate with the existing building and the neighborhood. The addition merely involves the enclosure of the existing front porch and breezeway. It will not alter the existing building foot print, height, landscaping, or lot coverage. As proposed, the project will not create additional Zoning Code violations as it relates to parking, height, setbacks, lot coverage, landscaping, common open space, and private open space.

## **CONDITIONS OF APPROVAL**

**APPROVAL** of this Variance shall be subject to the following conditions:

1. The development shall be in substantial according 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 Section and all construction shall be in compliance with the Glendale Building Code and all other applicable regulations.

3. That any expansion or modification of the structure or use shall require a new variance application. Expansion shall constitute adding of new floor area or any physical changes as determined by the Planning Hearing Officer.
4. That the development shall comply with the conditions specified in the Urban Forester memo dated September 17, 2019.
5. That the premises be maintained in a clean orderly condition, free of weeds, trash, and graffiti.
6. That Design Review Board approval or Design Review Board exemption shall be obtained prior to issuance of a building permit.
7. That the original variance granted September 30, 1974 still applies.
8. That the applicant shall comply with all GWP comments stated in their memo dated September 23, 2019.
9. 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 area complied with.

#### **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 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. 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 **January 7, 2020**, at the PSC, 633 East Broadway, Room 101, Monday thru Friday 7:00 a.m. to 12:00 p.m., or at the 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.

## **GMC CHAPTER 30.41 PROVIDES FOR**

### Termination

Every right or privilege authorized by a 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.

### Cessation

A 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.

### Extension

Variances granted by such right or privilege 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 such variance.

## **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.

## **REVOCAION, CONTINUING JURISDICTION**

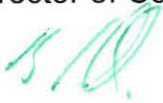
Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over variances (individual cases heard and decided upon by the Planning Hearing Officer).

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.

**NOTICE – subsequent contacts with this office**

The applicant is further advised that all subsequent contacts with this office regarding this determination must be with the Case Planner (Milca Toledo at 818-937-8181) first and then, the Planning Hearing Officer who acted on this case. 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.

Sincerely,  
Philip Lanzafame  
Director of Community Development



Bradley Collin  
Planning Hearing Officer

BC:MT:sm

CC: City Clerk (K.Cruz); 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); Integrated Waste Management Admin. (D. Hartwell); Maintenance Services Section Admin. (D. Hardgrove/T.Dodson); Street and Field Services Admin.; Engineering and Environmental Management (C.Chew/R. Villaluna); 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. Alshanti/B.Ortiz/E.Olsen); Parks, Recreation and Community Services Dept. (T. Aleksanian); Neighborhood Services Division (R.Sada/J.Jouharian); and case planner – Milca Toledo.

*City of* GLENDALE



CALIFORNIA

PLANNING DIVISION  
GERALD J. JAMRISKA, A.I.P.  
PLANNING DIRECTOR  
MARLENE T. ROTH, A.I.P.  
PRINCIPAL PLANNER  
LOWELL WILLIAMS  
ZONING ADMINISTRATOR

633 EAST BROADWAY  
GLENDALE, CALIFORNIA 91205  
TELEPHONE [213] 956-2144  
[213] 956-2115

September 30, 1974

Mr. Paul L. Burkhard, Jr.  
610 South Glendale Avenue  
Glendale, California 91205

Case No. 5827-S  
326 Kempton Road  
-Variance APPROVED

Dear Mr. Burkhard:

On September 25, 1974, the Zoning Administrator conducted a hearing, taking the matter under advisement, regarding your application for Setback Variance to erect dwelling three feet from front property line and garage one foot from front and side property lines.

Legal description of property: Parcel A, P. M. No. Gln. 1185-A; Lots 107 and 138, Tract No. 9152.  
Zone districts: R1R Restricted One-family Zone and No. 3 Fire Zone.

Your request was APPROVED by the Zoning Administrator on September 30, 1974, based on the following findings:

I. ~~The strict application of the provisions of the ordinance would result in unnecessary hardship inconsistent with the general purposes and intent of the ordinance in that it would require the buildings to be below the street level or high above the ground so as to necessitate unique and unreasonably expensive design.~~

II. There are exceptional circumstances or conditions applicable to the property involved that do not apply generally to other property in the same zone or neighborhood. The hillside slopes steeply downward from the street prohibiting normal development. Also, numerous encroachments into the setback area already exist along the street.

III. The granting of the variance will not be materially detri-

Mr. Paul L. Burkhard, Jr.

September 30, 1974

mental to the public welfare nor injurious to the property or improvements in such zone or neighborhood in which the property is located in that it will permit development of the site in a manner consistent with the character of development of other properties on the down slope side of the street to the east.

IV. The granting of the variance will not be contrary to the objectives of the ordinance in that it will permit development of the land with the use for which it is zoned. The findings required by Section 900 of the zoning ordinance are present.

The approval shall be subject to the following conditions:

1. That the front wall of the garage, exclusive of architectural embellishments, be located no closer than four feet to the street.
2. That the garage be provided with a closeable door equipped with an automatic opening device.
3. That the under side of both buildings be enclosed to the ground except for projecting decks.
4. That the substandard curb fronting on the subject property be replaced with curb meeting City of Glendale standards.

The decision does not become effective until 15 calendar days from the date of this notice. Any aggrieved person may appeal the decision to the Board of Zoning Adjustments. Appeal forms are provided by the Zoning office and must be filed with prescribed ~~fee prior to expiration of the 15-day period at the Office of the~~ Zoning Administrator.

All rights or privileges granted by this variance shall terminate one year from this approval unless commenced in good faith prior to expiration. The Zoning Administrator may extend the variance for one additional year upon written request for same from the applicant prior to expiration of the initial year.

Yours very truly,

Gerald J. Jamriska, A.I.P.  
Planning Director

*B. F. Foote*  
B. F. Foote, Assistant  
Zoning Administrator

BFF:ep

cc: City Clerk; Building Section; City Engineer; Mr. and Mrs.  
A. J. Keity



CITY OF GLENDALE  
**INTERDEPARTMENTAL COMMUNICATION**

**DATE:** September 23, 2019

**TO:** Milca L. Toledo, Community Development Department

**FROM:** Gerald Tom, GWP Water Engineering  
Darrell Hahn, GWP Electric Engineering

**SUBJECT: PVAR 1917961  
326 Kempton Rd**

Glendale Water & Power (GWP) Engineering has reviewed the plans.  
Requirements are as follows:

**Electric Engineering**

**Customer Service (818) 548-3921**

- No conflict.

**Fiber Optics (818) 548-3923**

- No conflict.

**Street Lighting (818) 548-4877**

- No Conflict

**Transmission & Distribution (818) 548-3923**

- Project personnel are responsible for maintaining a ten foot (10') radial clearance from all overhead electrical lines during construction, including construction equipment. If the ten foot (10') radial clearance cannot be met, contact GWP Electrical Engineering Department to determine the appropriate actions. Any work required by GWP to maintain proper clearance shall be done at the project's expense.
- The project is responsible for maintaining minimum clearance of eighteen inches (18") from the face of the power pole to the curb or driveway.
- Additional comment(s) and/or attachment(s).  
Be aware of the power pole at the North-West corner of the property and also of the North-South power line at Westerly edge of the property. After completion of construction all customer facilities must be located at least 5-feet away from the pole and the power line.

**Water Engineering**

**Recycled Water (818) 548-2062**

- No conflict.

**Backflow Prevention (818) 548-2062**

- No conflict.

**Potable Water (818) 548-2062**

- Fire Department approval/exemption shall be obtained when determining if existing fire flow is adequate.

The applicant shall pay the cost of any necessary fire or domestic water services and recycled water service to the property, as well as offsite water facility improvements necessary to provide fire flow as required by the Glendale Fire Department.

- Additional comment(s) and/or attachment(s).  
A 6" water main run on the walk that connects Kempton Rd and Brockmount Dr. on the west side of the lot

Darrell Hahn

Electrical Services Administrator

Gerald Tom

Senior Civil Engineer



DH/GT:fg/sb