



CITY OF GLENDALE, CALIFORNIA

Community Development
Planning

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November 21, 2019

Ms. Janelle Williams
Williams Land Use Services
2418 Honolulu Avenue
Montrose, CA 91020

**RE: 905 BURCHETT STREET
VARIANCE CASE NO. PVAR 1911477**

Dear Ms. Williams:

On November 20, 2019, the Planning Hearing Officer conducted and closed a public hearing, pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapters 30.43, on your application for a standards variance to maintain an existing interior setback of three feet, eight inches (3'-8"), instead of providing the required five-foot minimum, described in Section 30.11.030, Table 30.11-B of the Glendale Municipal Code, in conjunction with a 132 square-foot first floor addition and a new 647 square-foot second story to the existing 1,306 square-foot single family residence, located at **905 Burchett Street**, in the "R1" (Low Density Residential) Zone, Floor Area Ratio District II, and described as Lot 15, Block 8 of Tract No. 8419, in the City of Glendale, County of Los Angeles.

CODE REQUIRES:

- 1) In the R1 zone, additions to houses built prior to May 2, 1991, shall have a minimum interior setback of five feet for buildings or structures over 20 feet and equal to or less than 30 feet in height.

APPLICANT'S PROPOSAL:

- 1) To maintain the existing 3-foot, 8-inch interior setback for a house with a proposed second story addition resulting in an overall height of 21.5 feet.

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 project is a floor area addition to an existing single-family residence.

REQUIRED/MANDATED FINDINGS

After considering the evidence presented with respect to this application, the plans submitted therewith, the Planning Hearing Officer has **GRANTED WITH CONDITIONS**, your application based on the following findings:

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.

That strict application of the provisions of minimum interior setback requirements would result in unnecessary hardship inconsistent with the general purposes and intent of this standard. The intent of the interior setback requirement is to achieve privacy, light and air circulation between residences. The residence features an existing three-foot, eight-inch (3'-8") interior setback, which has existed for 85 years without complaints from or infringing upon the adjacent neighbor to the west. The narrowest setback abuts the existing living room that includes an original fireplace along the subject interior setback and a centered picture window facing the street. Mandating a conforming setback would require the demolition of almost one and a half feet along the western elevation of the Spanish-style residence and result in the fireplace being eliminated and the large window becoming not centered. Furthermore, the new additions to the residence, with the proposed six-foot interior setback, will exceed the five-foot minimum setback standard.

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 related to development of the property that do not apply generally to other property in the same zone or neighborhood, as related to the style and development of the original 1936 residence. The house is located in an established single-family residential neighborhood with standard-sized, rectangular lots. However, requiring the project to comply with the minimum five-foot interior setback requirement would result in removal of a character-defining feature of the Spanish-style home and an awkward roof configuration, inconsistent with existing development on the property. The house has a large, centered picture window within the front façade, which is a character-defining feature in Spanish homes, and which would no longer be centered if the additional setback is required. A hipped roof is located above the living room portion of the house adjacent to the characteristic Spanish front courtyard. This demolition would require an awkward "clip" of the hip roof, which would be inconsistent with the style of the residence.

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 maintain the existing interior setback 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, because the zoning designation of the property (R1- Low Density Residential) and use (the existing single-family home) are consistent, and the new portions of the home will be set back 6 feet. The use of the property as a single-family residence will not be changed as a result of the proposed addition to the house or the granting of the variance to maintain the existing 3'-8" interior setback along the westerly facade. Constructed in 1936, the house has featured this 3'-8" setback for over 80 years and this setback has not proven to be materially detrimental or injurious to the subject property or the surrounding

neighborhood. The first floor addition at the rear and the new second story will be set back six feet from the interior property line, more generous than the minimum five-foot required by Code; the additional setback will reduce the perceived mass and scale of the expanded residence as compared with the minimum five-foot setback.

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 intent of the interior setback requirement is to achieve privacy, light and air circulation between residences. Other objectives of the Zoning Code are to protect the character of the neighborhood and ensure sensible development. The applicant is requesting a new second story addition, with an overall height greater than 20 feet for the house, while maintaining the existing 3'-8" setback along the western portion of the existing house. Approval of the variance will allow the existing fireplace and large, centered window on the front façade, both features common to and typical of Spanish-style homes, to be maintained and thus protect neighborhood character. The existing setback of the subject residence is relatively consistent with other properties in the same neighborhood. The proposed first and second floor additions will be setback six feet from the interior property line. This additional one-foot setback above the minimum required five feet is a sensible approach in lieu of providing the required five-foot setback on the ground floor. These setbacks would still provide a degree of separation from its adjoining neighbors for safety, air and light circulation and privacy on both the first and second floors. The proposed addition meets all other zoning code requirements of the R1R Zoning, including height, FAR, lot coverage, parking, and landscaping.

CONDITIONS OF APPROVAL

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

1. That 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. That all necessary permits (i.e. building, fire, engineering, etc.) shall be obtained from the Building and Safety section and Public Works Department and all construction shall be in compliance with the Glendale Building Code UBC (Universal Building Code) and all other applicable regulations.
3. Design Review Board approval shall be obtained prior to issuance of a building permit.
4. 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.
5. Any proposed exterior lighting shall be directed onto the driveways, walkways and parking areas within the site and away from adjacent properties and the public right-of-way to the satisfaction of the Planning Hearing Officer.

6. A grading/drainage plan shall be submitted for the Engineering Division's review and approval and shall be made a part of the building plans submitted with the building permit application.
7. Separate permits are required for all work within the public right-of-way. The applicant shall bear all fees for the necessary permits and construction inspection for work within the public right-of-way.
8. The project shall comply with all National Pollutant Discharge Elimination System (NPDES) requirements.
9. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash and graffiti.
10. That the development shall comply with the conditions of approval as specified in the Glendale Water and Power conditions received on October 30, 2019.
11. That the development shall comply with the conditions of approval as specified in the Public Works Engineering conditions received on November 4, 2019.
12. That the premises shall be made available to any authorized City personnel (Fire, Building and Safety, Neighborhood Services, etc.), for inspection to ascertain that all conditions of approval of this variance are complied with.

APPEAL PERIOD, TIME LIMITS, LAPSE OF PRIVILEGES, TIME EXTENSIONS

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 Building and Safety Division upon request and must be filed with the prescribed fee **prior to expiration of the 15-day period, on or before December 6, 2019**, in the Building and Safety Division, 633 East Broadway, Room 101.

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: Permits 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 the Variance.

APPEAL FORMS available on-line

<http://www.ci.glendale.ca.us/planning/SubmittingAProject.asp>

To save you time - please note that some of our FORMS are available on line and may be downloaded. AGENDAS and other NOTICES are also posted on our website.

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 sold, 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.

REVOCAION

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over variances, conditional use permits and Variances. To consider the revocation, the Director of Community Development shall hold a public hearing after giving notice by the same procedure as for consideration of a variance at least 10 days' notice by mail to the applicant or permittee.

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 first and then, the 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.

Should you have any questions regarding this issue, please do not hesitate to contact the case planner, Roger Kiesel during normal business hours at (818) 937-8152, between 7:30 a.m. to 3:30 p.m.

Sincerely,



VILIA ZEMAITAITIS, AICP
Planning Hearing Officer

VZ:RK: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 – Roger Kiesel.