



CITY OF GLENDALE, CALIFORNIA
Community Development
Planning

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November 21, 2022

Amanda J. Dillin
3204 Sherwood Avenue
Alhambra, CA 91801

Dear Applicant:

**RE: 1916 NIODRARA DRIVE
VARIANCE CASE NO. PVAR 2200992**

Dear Ms. Dillin:

On July 27, 2022, the Planning Hearing Officer conducted and closed a public hearing, pursuant to the provisions of the Glendale Municipal Code, Title 30, Section 30.43, Variances, to allow the removal of an existing unpermitted fence and installation of a new six-foot high iron fence located five feet from the westerly property line where a minimum 25-foot street front setback is required in the "R1" zone. The 14,389 square-foot lot, developed with a three-story, 3,012 single family house (built in 1941) and an attached 547 square-foot garage, is located at **1916 Niodrara Drive**, in the "R1-I HD" - (Residential Zone, Floor Area Ratio District I, Historic District) zone, and described as Lot 21 and Portions of Lots 22 and 23, Fernbrook Place Tract, in the City of Glendale, County of Los Angeles (APN: 5614-019-039).

APPLICANT PROPOSES

- (1) Remove an existing unpermitted, three-foot high chain link fence located within the required 25-foot street front setback, which spans across the entire width of the lot facing Niodrara Drive and allow the installation of a new, six-foot high wrought iron fence located five feet from the street front property line.

CODE REQUIRES

- (1) The minimum street front setback for all buildings and structures is 25 feet in the R1 zone (GMC 30.11.030 Table 30.11-B).

ENVIRONMENTAL DETERMINATION

The project is exempt from CEQA review as a Class 3 "New Construction or Conversion of Small structures" exemption pursuant to Section 15303 of the State CEQA Guidelines because the project involves the construction of a new six-foot high wrought iron fence, and as a Class 31 "Historical Resource Restoration/Preservation" exemption pursuant to Section 15331 because the approval of a variance for the fence location would not have an

adverse impact on the subject property's ongoing status as a contributor to the subject historic district. The property is located in a designated Historic District developed with a three-story house (built in 1941) identified as a contributor (5D1 status).

The Niodrara Drive Historic District consists of thirty-two properties, twenty-four of which are contributors. Eight contributors, including the subject property, have chain link or wrought iron fences that are within the front setback facing Niodrara Drive. Two non-contributors also have similar fences in the setback. Many of these fences are closer to the street than either the existing or proposed fence at 1916 Niodrara. In total, 33% of the district's contributors feature three to six-foot high fences located close to the street. A number of these have been subsumed by tall hedges that, in many cases, almost entirely block the view to the house and grounds behind the landscaping.

When Architectural Resources Group (ARG) surveyed the proposed district, the "presence of fences" in the front setback and close to the street did not affect the determination that the eight properties are contributors to the district. No properties were found to be non-contributors because of a front setback fence. This provides substantial evidence that the presence of a new fence in the front setback of 1916 Niodrara, which is all that is under consideration by the Planning Hearing Officer, will not lead to the property's loss of its contributing status and will therefore not have an adverse impact on the property or the district.

After considering the evidence presented with respect to this application, the plans submitted therewith, the Community Development Department has **APPROVED WITH CONDITIONS** the variance request, based on the following findings:

REQUIRED/MANDATED FINDINGS

A. 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 zoning ordinance in this circumstance would result in an unnecessary hardship inconsistent with the intent of the code. The purpose and intent of the "R1" low density residential zone regulations are to allow for reasonable use of property for a single family residence. The purpose of street front setback is to provide a buffer between single-family homes at the street, offering adequate open space, light, ventilation and privacy. The variance request is to remove an existing old and damaged chain link fence located adjacent to the street front property line and to install a new six-foot high wrought iron fence five feet from the street front property line. The location of the existing three-foot high fence conflicts with the existing mature protected oaks at the front of the property, especially the tree located nearest to the existing gate on the southwest portion of the site. The location would not compromise adequate open space, light, ventilation between the existing house and the street front property

line. Also, with the imposed conditions of the Urban Forestry Division, the proposed fence would not conflict with the existing oak trees on the property.

The existing fence is grossly damaged and intersects with the existing oak tree roots and trunk to the point that the fence and the gate are bent on and around the trunk(s) of the tree. Based on the current conditions of the fence, it is apparent that the existing fence is significantly damaged beyond repair, and unsafe. The applicant is proposing to remove and replace the existing fence with a new six-foot high wrought iron fence setback five feet from the front property line for the entire width of the west property line parallel to Niodrara Drive. Additionally, there is an approximate five-foot grade difference at the northwest portion of the site, which would impede placing the new fence 25 feet from the street front property line. This elevated area is currently shored up by river rock retaining walls that run somewhat perpendicular to Niodrara Drive. If the applicant were to comply with the Zoning Code and setback the new fence 25 feet from the street front property line, the new fence would cross the existing river rock retaining walls and result in exposed, unprotected drops in grade up to a total of five feet in height. Such hazardous drop-offs would be accessible to the (albeit trespassing) public and would pose a liability risk for the owners that does not exist with the current fence. The resulting exposure of the river rock retaining walls' drop-off might require a railing on top of the retaining walls, per the Building Code. This railing atop the river rock wall(s) would also be located in the street front setback, once again in contrast to the code's intent of not allowing fencing in the street front setback. Such railing might also create a potential conflict with existing historic features on the site. By locating the new fence five feet from the street front property line, such conflicts with the sloped terrain and existing rock retaining walls in this area would be avoided.

As noted above, the new fence would need to be setback 25 feet from the street front property line to comply with code and as such, would bisect a portion of the existing front yard and its historic features, including rock retaining walls, thereby compromising the integrity, purpose and use of the river rock retaining walls at this location and within the Niodrara Historic District. As proposed, the location of the new fence setback five feet from the street front property line will not conflict with the existing protected oak trees and rock walls. Additionally, the proposed fence location would not undermine the topography along the north side of the property since the fence would be located on a relatively flat portion of the lot and would not compromise existing circulation or structures on or adjacent to the subject the property. Approval of the variance request would not result in changes to the size or location of other existing buildings or site improvements on the subject property.

Therefore, there are practical difficulties or unnecessary hardships associated with the construction of a code-compliant fence for the reasons noted above.

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 do not apply generally to other property in the same zone or neighborhood. While fences are not uncommon in residential properties, the subject property is exceptional in that it is located in a historic district and developed with a house that was determined to be a contributing historic resource with unusual site characteristics. Even when compared to the other properties in the Niodrara Historic District, the subject property features several conditions that are strikingly different than those found at most other nearby properties. These include the property's site planning, historical use, and the orientation of the house. These differences can be observed even when comparing the subject property to the three properties to the south which have similar site plans. Unique features currently on the property including mature protected oak trees adjacent to the westerly property line, a mature sycamore tree at the northeast side of the property, historic rock walls throughout the site, a historic rock streambed in the middle of the lot, and sloping terrain primarily along the north side of the property. Further, the orientation of the house is unique in that the front and main entrance to the house is accessed from the alley, adjacent to the east (interior) property line, and yet the rear of the house and the backyard is oriented towards the street front property line adjacent to Niodrara Drive. In essence, the rear of the house and the backyard are completely visible and accessible from the street, which does not provide privacy and security for the property or its residents. Because of the existing site characteristics and the orientation of the house, the applicant is requesting to install a custom made fence and gate five feet from the street front property line on Niodrara Drive that would not conflict with the existing oak tree and other historic features on the property. The variance approval is for the location of the fence only. The design and construction of the fence is part of a larger landscape and hardscape project at the property, including the construction of a swimming pool and alteration of the stone and concrete channel that spans the width of the yard. This work, including the design of the fence and gate, will be reviewed by Historic Preservation Commission at a future hearing.

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.

Granting of the variance will not be detrimental to the public welfare or injurious to the property or improvements in such zone or neighborhood because the proposed location of the new fence will not compromise light, air, open space, ventilation, privacy, and will continue to provide transparency between the street and the property by not creating a solid surface. Considering that the property line along Niodrara Drive is approximately 66 feet wide, the side property lines are

approximately 191 feet long and the existing house is setback more than 120 feet from the street front property line on Niodrara Drive, the property will continue to provide adequate open space, light air, and ventilation especially along its west side, and would not compromise neighboring properties or structures.

Similar conditions already exist within the area and the community and have not proven to be detrimental to the neighborhood. In fact, there are several properties in the neighborhood along Niodrara Drive which also have fences located at or near the street front property line, within the street front setback. Therefore, granting the variance request would be in-keeping with other properties in the neighborhood (see Environmental Determination section for more detail). The variance request would improve the current situation by removing the existing dilapidated chain link fence and replacing it with a new fence. The new fence will not be located immediately adjacent to the street, as is the case from some others in the area. Instead, it will be setback five feet from the property line, and approximately ten feet from the curb, in an effort to avoid and preserve the existing oak tree roots and trunk. The location of the new fence would also avoid any conflict with the existing historic stone walls and would secure this area, which might be considered an "attractive nuisance", from potential trespassers who might be injured due to the uneven terrain. Moreover, the fence and entry gate are intended to be aesthetically integrated with the existing site and the house. The current fence design is simple, highly transparent, and features narrow vertical wrought iron pickets. The proposed gate does have a higher level of design, featuring a geometric motif based on the wrought iron balconies at the rear façade of the house, which faces the proposed fences at a considerable distance. The design and height of the fence and gate, however, are not finalized per this setback variance approval. As with all development projects involving variance requests and design review, the variance request, which in this case is the location of the new fence, must be first approved before the design can be reviewed by the appropriate review authority; the Glendale Municipal Code does not allow a design review authority to approve work that is not compliant with the Zoning Code. A condition is included that the fence design be analyzed in accordance with the Historic Preservation Ordinance, Historic District Overlay Zone standards and Historic District Design Guidelines, and that the new fence, in addition the proposed swimming pool, pergola, and site work, be reviewed by the Historic Preservation Commission.

The variance approval will not result in changes to the existing house. The fence has been reviewed by the City's Historic Preservation staff, as well as Urban Forestry, to ensure its location is appropriate to the historic designation of the property and the existing protected trees. With the included conditions of approval and future review of the design by the Historic Preservation Commission, the new fence is not expected to compromise the existing historic character of the site or the existing protected oak trees on-site.

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

The granting of the variance to allow the construction of a new fence within the required street front setback area will not be contrary to the objective 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 purpose of street front setbacks is to provide a landscaped buffer for single-family homes at the street, offering adequate open space, light, ventilation and privacy. The purpose of the variance process is to assure that no property, because of the special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other parties in the same zone and vicinity. The proposed fence replaces a dilapidated chain link fence previously located closer to the street front property line on Niodrara Drive. As previously noted, there are other homes in the immediate neighborhood along Niodrara Drive which have fences within the setback area. Meanwhile, the transparent design of the wrought iron fence will maintain an open and expansive appearance along the street. The existing buildings on the property will remain unchanged and will not be impacted by the location of the fence. Granting of the variance will not compromise the existing house and existing historic features on the site. Furthermore, granting of the variance will not be contrary to the objectives of the ordinance because the variance will allow the owner to replace the existing damaged chain link fence with a new fence designed to secure the rear yard with its attractive nuisances and to complement the site, the existing house and the neighborhood; the final design is to be reviewed by the Historic Preservation Commission. The new fence will provide appropriate clearance from protected trees and historic features and structures; adequate light, open space, ventilation, privacy and security would not be compromised.

CONDITIONS OF APPROVAL

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

1. That the development shall be in substantial accordance 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 all construction shall be in compliance with the Glendale Building Code and all other applicable regulations.
3. That any expansion or modification of the new fence or use shall require a new variance application. Expansion shall constitute expanding or modifying the new fence or any physical changes as determined by the Planning Hearing Officer.

4. That the new fence shall comply with the conditions specified in the Urban Forester memo dated April 28, 2022.
5. That the new fence shall comply with the conditions specified in the Building and Safety memo dated April 1, 2022.
6. That the new fence shall comply with the conditions specified in the Traffic Engineering Division comments dated March 22, 2022.
7. That the premises be maintained in a clean orderly condition, free of weeds, trash, and graffiti.
8. That the applicant shall work with the Planning staff to ensure the design of the new fence is appropriate to the historic character of the existing property, in accordance with the Historic Preservation Ordinance, Historic District Overlay Zone standards, and Historic District Design Guidelines, and that Historic Preservation Commission design review approval for the fence shall be obtained prior to any fence construction, installation, or issuance of a building permit (if required).
9. That any future yard improvements shall comply with the Model Water Efficient Landscape Ordinance (MWELo), if applicable.
10. That the applicant shall maintain the existing walkway leading from the street to the house along the south side of property.
11. 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

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. Appeals must be filed prior to expiration of the 15-day period, on or before **December 6, 2022**. Information regarding appeals, appeal forms and fees may be obtained by calling the Community Development Department (CDD) staff at 818-548-2140, or the case planner, Milca Toledo at 818-937-8181.

GMC CHAPTER 30.41 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

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.

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.

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.

REVOCATION

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over 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 ten (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.

If you have any questions, please contact the case planner, Milca Toledo, during normal business hours at 818-937-8181 or via e-mail at MiToledo@glendaleca.gov.

Sincerely,

Bradley Calvert
Director of Community Development



Vilia Zemaitaitis, AICP
Principal Planner

VZ:MTsm

CC: City Clerk (K.Cruz); Police Dept. (J.Newton/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section (F.McLean); Traffic & Transportation Section (P.Casanova/Mark Bueno); General Manager for Glendale Water and Power (M.Young); Glendale Water & Power--Water Section (G. Tom/S.Boghosian/R.Takidin/ C.Babakhanlou/D.Scorza); 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; Integrated Waste Management Admin; Maintenance Services Section Admin.; Street and Field Services Admin.; Engineering and Environmental Management; A. Allison; U. Baum; Z. Eggene; M. Franco; S. Fraser; D. Garfinkle M. Hanford; C. Jurca; M.& L. Long; M. Mansourian; L. W. Perlman; J. Pringle (representing Verdugo Woodlands West HOA); F. Smith; Casa Verdugo Historic District – R. Fey; The Glendale Historic Society – Vice President J.Schwab-Sims; Verdugo Woodlands West Homeowners Association – L.Delange – Secretary; and case planner – Milca Toledo.