



**CITY OF GLENDALE, CALIFORNIA**

Community Development  
Planning

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June 14, 2023

Rodney Khan  
Khan Consulting Inc.  
P. O. BOX 816  
Montrose, CA 91021

**RE: 511 NOLAN AVENUE**  
VARIANCE CASE NO. PVAR-000961-2023 & PAE-001142-2023

➤ (SEE ALSO ADMINISTRATIVE EXCEPTION CASE NO. PAE-001142-2023)

Dear Mr. Khan:

On May 24, 2023, the Planning Hearing Officer conducted and closed a public hearing, pursuant to the provisions of the Glendale Municipal Code, Title 30, Section 30.43, requesting a **Standards Variance And Administrative Exceptions** to construct a 2,149 square-foot, three (3)-story single-family home with an attached two (2)-car garage on a 7,166 square-foot vacant, hillside lot in the "R1R-II" - (Restricted Residential, Floor Area Ratio District II) Zone, described as Lot 68 Tract 4881/ 5630-011-033, located at **511 Nolan Avenue**, in the City of Glendale, County of Los Angeles.

➤ VARIANCES are requested for a reduced street front setback (six (6) feet whereas fifteen (15) feet is required) and to provide a ten (10)-foot driveway length (18 feet required).

➤ ADMINISTRATIVE EXCEPTIONS are requested to develop the project on a substandard lot size (7,166 whereas 7,500 SF is required) and to exceed the maximum allowed height (32 feet) by four feet (36 feet).

**ENVIRONMENTAL DETERMINATION**

This project is categorically exempt from environmental review as a Class 3 "New Construction or Conversion of Small Structures" per Section 15303(a) of the State CEQA Guidelines because the project involves construction of one single-family residence. The on-site oak tree is not a protected species and the protected oak tree near the site is over 20 feet away from the property line.

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**

**FINDINGS FOR VARIANCE REQUEST**

**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 application request is to build a 2,149 SF, three-story single-family home with an attached two-car garage on a 7,166 SF, vacant, hillside lot in the R1R-II Zone (Restricted Residential Zone, Floor Area Ratio District II) while providing a six feet (6'-0") street front setback instead of the required 15-foot setback, and a 10-foot driveway length instead of the required 18-foot driveway length.

The subject site is on a down-sloping lot with an average current slope of 101%. The site is similar to others on the same side of the street in terms of topography and lot size (although the lot size is slightly smaller). The proposed single-family residence and attached two-car garage are proposed to be located close to the front property line with a street front setback of six feet (6'-0") with the roof overhang having a five-foot (5'-0") setback.

The strict application of the provision of the Zoning Code would result in practical difficulties and unnecessary hardship inconsistent with the purpose and intent of the ordinance, which is to ensure separation between the subject property and adjacent properties and public rights of way. If the building were to comply with the required street front setback standard of 15 feet and the driveway length of 18 feet, the massing of the dwelling and attached garage would project farther from the slope and therefore would not comply with the hillside design guidelines that specifically recommend that new houses reflect the topography and slope, and that encourage building into the hillside to diminish visual impact of mass and scale, even if significant grading may be required. The guidelines also state that prevailing setbacks of buildings on the street be considered as well as Code requirements.

The cluster of houses near the end of Nolan Avenue all have reduced street front setbacks:

Address	Approximate Street Front Setback
515 Nolan	5.5 feet
531 Nolan	8 feet (approved by Variance)
537 Nolan	6 feet (approved by Variance)
524 Nolan	6 feet (approved by Variance)

Approval of a reduced street front setback and driveway length would allow for reasonable development of the site in such a manner that is not incompatible with the surrounding neighborhood.

**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;**

The subject property is a shallow lot with one of the shortest (100 feet) property lengths on that side of the street, which features lots similar in size and topography. The subject site's 101% average current slope is typical of the neighboring properties, which range from 85% to 104%; however, most of those lots are vacant and the two other lots near the subject site that are developed (515 Nolan, 531 Nolan, and 491 Nolan) have slopes of 85% to 92%. Therefore, the slope is significantly steeper on the subject site. The properties on the upslope part of Nolan Avenue have slopes of 30% to 60%. The lot is also smaller than most of the other properties on the street which further constrains available area to meet the development standards. The combination of these constraints impacts development of the single-family house and is an exceptional circumstance not typical of other lots in the neighborhood.

**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; and**

The Zoning Code requires a minimum 15-foot street front setback and 18-foot driveway length. Granting a reduced street setback and driveway length will not be materially detrimental to the public or injurious to the property or improvements in the R1R neighborhood. The general intent of the street front setback requirement is to maintain an attractive neighborhood with consistent streetscape and rhythm adding visual relief from the street. Due to the topography and winding streets, this hillside neighborhood does not have the same constant rhythmic pattern of house placement. Nolan Avenue is a remote cul-de-sac that already features other residences with reduced front setbacks and driveways (see table in Finding A).

The proposed reduced street setback is located at the southeast corner of the building, whereas the majority of the building to the north is outside of the required 15-foot setback. This pattern is consistent with other houses on the street that have reduced front setbacks. In terms of the driveway, it is also shortest (10 feet) at the southeast corner; however, the northern part of the driveway is 15 feet and six inches (15'-6") long, long enough to accommodate a standard-sized vehicle. Further, there is a nearly six-foot section of public right-of-way, outside of the roadway, that the driveway can extend onto (assuming a right-of-way encroachment permit is obtained). Therefore, functionally, the driveway will be from 16 feet and six inches (16'-6") long to over 20 feet (20'- 9") long and will be able to comfortably accommodate vehicles entering and exiting the garage.

To avoid the appearance of a bulky building looming over the downslope of the subject site, the requested street setback and driveway length reduction will allow the building pad to be located closer to the street and be further cut into the hillside. By granting the reduced setback and driveway length, the proposed house would be spatially and visually consistent with the neighboring homes which have varying setbacks while still providing a functional driveway, and therefore, will not be detrimental to surrounding properties.

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

The objective of the Zoning Code is to protect the character of the neighborhood and ensure sensible development. The objective of the street front setback requirement is to ensure that the setbacks of buildings from a street respect the existing or preferred neighborhood character, maintain an attractive rhythm and streetscape, and provide landscaped open space along the street. The objective of the minimum driveway length is to ensure safe and efficient ingress to and egress from off-street parking. The approval of a reduced street front setback and driveway length will not be contrary to the objectives of the ordinance due to the space between the house and the street being similar to others in the neighborhood and the driveway providing sufficient access to the garage.

The requested variance in this case is sensible and affords the property owner a fair opportunity in developing a vacant property similar to other residences in the immediate vicinity.

**HILLSIDE DEVELOPMENT REVIEW**

Every discretionary decision made by the city council, along with city boards, commissions and administrators related to development in the ROS and R1R zones shall take the following into consideration:

A. Development shall be in keeping with the design objectives in the Glendale Municipal Code, the hillside design guidelines and the landscape Guidelines for hillside development as now adopted and as may be amended from time to time by city council.

B. Development shall be compatible with the surrounding neighborhood in terms of size, scale, bulk/mass, roofline orientation, setbacks, and site layout.

C. Site plans shall show preservation of prominent natural features, native vegetation and open space in a manner compatible with the surrounding neighborhood, minimizing alteration of terrain necessary for development.

D. Site plans for development of property on steep slopes shall take into account the visual impact on surrounding properties.

E. The architectural style and architectural elements of in-fill development shall be compatible with the surrounding neighborhood.

The proposed development is in keeping with the hillside design guidelines, and the landscape guidelines. The proposed 2,149 SF, three-story single-family home with an attached two-car garage is compatible in size with other houses near it on similar lots (on Nolan Avenue), which average 2,391 SF. The siting, mass and scale are similar to the other nearby houses on the downslope side of Nolan Avenue, which feature similar site conditions. The style of the proposed house (contemporary with flat roof) is compatible with the flat-roofed, contemporary house across the street at 524 Nolan Avenue, and with other homes in the neighborhood. The project is

designed to provide stepping with the hillside. The building is designed as a one-story house as viewed from Nolan Avenue, consistent with the street pattern. The building is designed as a three-story house as viewed from Valentine Drive, consistent with the street pattern. The building maintains required setbacks except on Nolan Avenue, where it is being pushed closer to the street and into the hillside to reduce the building's apparent massing and scale. This site layout is consistent with the street pattern. Seventy-four percent of the site will be maintained as ungraded open space. The building is designed with cantilevered decks to provide outdoor space in lieu of grading the hillside. The driveway is designed as an open bridge to reduce massing and preserve the hillside beneath. No indigenous protected trees will be impacted by the project.

### CONDITIONS OF APPROVAL

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

- 1) That the development shall be in substantial accord with the plans presented in conjunction with the application, except any modifications as may be required to meet specific Code standards or other conditions stipulated herein to the satisfaction of the Community Development Department
- 2) That all necessary permits 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 design review approval or exemption shall be obtained prior to the issuance of a building permit.
- 4) That any expansion or modification of the project which is different than what is represented as part of this Variance approval shall require a new application as determined by the Planning Hearing Officer.
- 5) That cars parked on the driveway shall not extend into the roadway.

### 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.

***All appeals must be filed using the City's online permit portal:***

***[www.glendaleca.gov/Permits](http://www.glendaleca.gov/Permits). Create an account, click "Apply," type "appeal" in the search bar, and apply for "Appeal of Planning Decision." Any appeal must be filed within fifteen (15) days following the actual date of the decision with the prescribed fee prior to the expiration of the 15-day appeal period, on or before **JUNE 29, 2023**. Information regarding appeals and appeals and fees may be obtained by calling the Community Development Department staff at 818-548-2140, or contacting the case planner, Cassandra Pruetz, at [cpruetz@glendaleca.gov](mailto:cpruetz@glendaleca.gov) or 818-937-8186.***

### **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.

### **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.

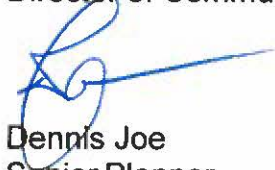
### **NOTICE – subsequent contacts with this office**

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.

You may contact the case planner, Cassandra Pruett, during normal business hours at (818) 937-8186 or via e-mail at [cpruett@glendaleca.gov](mailto:cpruett@glendaleca.gov).

Sincerely,  
Bradley Calvert  
Director of Community Development



Dennis Joe  
Senior Planner  
DJ:CP:sm

cc: City Clerk (K.Cruz); Building and Safety (S.Hairapetian); Neighborhood Services Division (J.Sada); Design Review & Historic (J.Platt/K.Conley); Economic De. (M.Berry); Housing (P.Zovak / M. Fortney); Urban Design and Mobility F.Zohrevand); Parks, Recreation and Community Services and Park (T. Aleksanian/ A.Limayo); Information Services (G.Arnold); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Engineering Section-(J.Diaz/ D.Stimson); Traffic & Transportation Section (P.Casanova/S.Roudsari); General Manager for Glendale Water and Power (M.Young); Glendale Water & Power--Water Section (S.Boghossian/R.Takidin/F.Garcia); Glendale Water & Power--Electric Section (C.Babakhanlou/ S.Boghossian / F.Garcia/ H.Barkhordian/ D.Scorza ); Police Dept. (Lt.S.Riley/Z.Avila); Dir. Of Public Works (Y.Emrani); Engineering and Land Development (A.Avazian/ S.Oganesyan / M.Oillataguerre/ R. Villaluna); Integrated Waste Management Admin. (D. Hardgrove); Maintenance Services/Street and Field / Urban Forester (L.Klick / C.Linares / O. Urquidez); ~~Ar. Malekian~~; J.Jackson; and case planner Cassandra Pruett.