



**CITY OF GLENDALE, CALIFORNIA**

Community Development  
Planning

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July 18, 2023

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**RE: 318 BROCKMONT DRIVE  
VARIANCE CASE NO. PVAR 1923322**

Ladies and Gentlemen:

On June 7, 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 approval to construct a new 2,305 square-foot, two-story, single-family residence with an attached two (2)-car garage, located at **318 Brockmont Drive**, in the “R1R” – Restricted Residential - FAR District II Zone, described as Lot 5, Block 6, Tract No. 8280 (APN: 5632-011-012), in the City of Glendale, County of Los Angeles.

The applicant is requesting four variances to allow the reconstruction of the residence. The variances include:

- Standard variance to allow development of a residence on a lot less than 7,500 square feet;
- Standard variance to allow a driveway length of one(1)-foot, three (3) inches;
- Setback variance to allow a one(1)-foot, three (3) inches; street front setback; and
- Setback variance to allow six (6) feet, six (6) inches, and three (3) feet, eight (8) inches, interior setbacks.

**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 is the construction of a new single-family house.

The property does not appear eligible for historic designation at the federal, state or local levels and is, therefore, not considered a historic resource under the California Environmental Quality Act.

## REQUIRED/MANDATED FINDINGS

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:

**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 applicant is proposing to reconstruct a single-family house on a 5,880 square-foot lot that was previously developed with a single-family house, damaged by fire and subsequently demolished, except for the foundation. The intent of the minimum lot area requirement is to ensure adequate space for a building pad and access for new hillside development. Since this lot already has a building pad and utilities to accommodate the proposed residence, this property is of a size and location that can accommodate a single-family home. The strict application of the current lot size requirement would result in practical difficulties and unnecessary hardship inconsistent with the general purposes and intent of the ordinance because it would prevent single-family development on this lot, even though the site was developed with such a use for 52 years.

To minimize impacts on the neighborhood, the applicant is proposing to locate the new house in approximately the same location as the previous house, with the exception of the east side of the property where additional interior setback is necessary to accommodate access for fire safety. The previous house had interior setbacks less than the code-required ten (10) feet. The applicant is requesting to maintain the existing reduced interior setbacks to use the existing building pad and build in a similar location to the previous structure.

The previous house had a street-front setback of one(1)-foot, three (3) inches, and a driveway depth of one(1)-foot, three (3) inches. Allowing the new house to use the same street-front setback and driveway depth would permit the proposed residence to use the same building pad as the previous residence. The location of the garage is predicated by the limited footprint of the house due to the applicant utilizing the previous house location and constraints of the swimming pool location. Compliance with the code requirements for a driveway setback of 18 feet and a street-front setback of 15 feet would result in moving the proposed location of the house further south on the property, toward the rear of the lot. Such a change would result in either the loss of substantial floor area for the residence or an expansion of the building footprint that would remove the pool and potentially creating privacy concerns to adjacent properties.

The "RIR" zone regulations provide for reasonable development of the property. To deny the variance requests would unduly restrict the property owner from developing the lot with a single-family residence on a 5,880 square-foot lot that was previously developed with a single-family house, damaged by fire and subsequently demolished. Granting the variances requested would

allow the property owner to reconstruct a single-family house that was damaged by fire and demolished down to the foundation; it would allow the lot to be developed with a modestly sized 2,305 square-foot, two-story, single-family residence with an attached two-car garage, similar to the original house that existed on the property, which is consistent with the purposes and intent of the ordinance.

**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 applicant is proposing to reconstruct a single-family house that was damaged by fire and demolished down to the foundation. The existing house could not be salvaged due to the severity of the fire damage. The existing house was nonconforming with several standards of the zoning code since it was built 64 years ago, prior to the current zoning code. The variances requested will allow for the construction of a new single-family residence on the existing 5,880 SF lot. The reconstruction of this house is considered new and, therefore, would require that the new house be built per current code requirements. If the house were able to be repaired and not required to be demolished it could have retained its existing non-conforming status. The subject site has remained in the same state since demolition occurred in 2011. By building the house back in its previous nonconforming location, the new house will not be able to meet current code requirements as it relates to driveway length, and street front and interior setbacks. These conditions, as well as the applicant's desire to build the proposed residence generally within the footprint of the previous residence warrant making this finding in the affirmative.

**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 because the subject site is zoned for single-family residences, at one point contained a single-family home and the proposed house is generally utilizing the building pad of the previous residence. The requested variance will allow the lot, which has been virtually vacant except for the existing foundation, fences and swimming pool, to be built with a new single-family residence, eliminating the unsafe conditions presently on the lot. In addition, the proposed house will be properly constructed pursuant to current building code requirements. By utilizing the building pad of the previous home, impacts of constructing a new house will be minimized. The much-reduced driveway depth, while not ideal, is more attractive than the previous on-site development, which contained a non-compliant garage. The intent of the setback requirements is to provide buffers between the proposed house and the street and between neighboring properties. The previous house existed for over 50 years with reduced setbacks. Additionally, the house is only approximately 30 feet deep and appropriate buffering will be maintained even with the reduced setback. The proposed house will be required to be reviewed and approved by the Design Review Board to address any potential massing issues as well as ensuring compatibility with the surrounding properties. Due to the substandard lot and the fact that the previous house was legally nonconforming prior to the fire, the standards and setback variances will not be material detrimental to the public welfare or improvements in the zone or neighborhood.

At the public hearing, testimony was received expressing support for the variances requested. Additionally, some comments expressed at the hearing related to the design of the proposed house and site planning, which will be addressed during the Design Review Board process in the future. Also, comments related to site drainage, sewer connection, fire prevention, and any mitigation measures associated with the existing oak tree on the adjacent lot will be addressed in the future during the building plan check process.

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

The requested variance will not be contrary to the objectives of the ordinance because the property is zoned for single-family use and a single-family house has existed on the site previously in the same general location as the proposed residence. The purpose of the minimum lot size requirement is to preserve and protect low density residential neighborhoods, preserve open space, physical features and scenic resources while permitting substantial and reasonable use of property. The purpose of the minimum driveway depth requirement is to ensure vehicles are not encroaching onto streets and creating safety hazards. The proposed residence will be constructed within the building pad of the previous residence and includes a conforming-sized two-car garage. Driveways within setbacks are permitted to serve only as temporary parking. Because a twenty (20) feet by twenty (20) feet garage is proposed, it will be more attractive to use and less likely that parking will occur on the driveway or street. By constructing the proposed residence on the existing building pad, the objectives of the "R1R" zone will be met, and limited by this constraint, the project will comply with the purposes of the minimum lot size and driveway depth requirements.

An objective of minimum setback requirements is to ensure sufficient light and air circulation. One objective of the Municipal Code is to allow development that makes sense for the area and neighborhood. The previous residence on the subject site was granted a variance in 1959 for reduced setbacks and existed on the site for approximately 52 years. Given this fact, as well as the orientation of the proposed house in a north/south direction and that a number of homes on Brockmont have similar setbacks, the requested reduced setbacks are appropriate.

Granting the variances requested would allow the property owner to reconstruct a single-family house that was damaged by fire and demolished down to the foundation; it would allow the lot to be developed with a modestly sized 2,305 square-foot, two-story, single-family residence with an attached two-car garage, similar to the original house that once existed on the property. A single-family residence is a permitted use in the "R1R" Zone. Approval of the variances requested would allow reasonable flexibility in land use for the site.

**COMPLIANCE WITH HILLSIDE DESIGN POLICY (GMC SECTION 30.11.040(A))**

Every discretionary decision related to development in the "R1R" zone required the following five considerations:

- 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.**
- The applicant is using the existing building pad to minimize grading.
  - The proposed home will require the approval of the Design Review Board to ensure compatibility with the surrounding neighborhood. Design Review Board approval is required prior to issuance of a building permit for the residence.
  - The proposed residence follows the topography of the site.
- B. Development shall be compatible with the surrounding neighborhood in terms of size, scale, bulk/mass, roofline orientation, setbacks, and site layout.**
- The proposed residence will be approximately 2,300 square feet in area, which is relatively modest in size for a new home and will be compatible with the surrounding homes.
  - The proposed residence will be approximately 22 feet high and built consistent with the downslope lot, similar in configuration to other homes on the south side of Brockmont.
  - The floor area of the proposed building complies with the zoning code and floor area ratio for the project site.
- C. Site plans shall show preservation of prominent natural features, native vegetation and open space in a manner compatible with the surrounding neighborhood, minimizing alterations of terrain necessary for development.**
- The previous house on the subject site had reduced street-front and interior setbacks. The proposed residence will utilize the same building pad to minimize landform alteration.
  - The City's Landscape Guidelines emphasize drought-tolerant and native plants. Landscape plans for the proposed residence will be reviewed by the Design Review Board against the Landscape Guidelines.
- D. Site plans for development of property on steep slopes shall take into account the visual impact on surrounding properties.**
- The house is designed such that it appears as one level from Brockmont Drive, a similar condition to the many of the houses on the south side of this street.
  - The house is wide adjacent to the street but not deep to alleviate its visual impact on the adjacent houses.
- E. The architectural style and architectural elements of infill development shall be compatible with the surrounding neighborhood.**
- Houses on Brockmont feature some mid-century styles as well as modern traditional homes. The proposed residence is contemporary and will be compatible with the eclectic neighborhood.

- The Design Review Board will analyze the design and detailing of the proposed residence to ensure it is internally consistent and complementary to the surrounding development.

## 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 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, grading, 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. That the premises shall be made available and accessible to any authorized City personnel (Building, Fire, Police, Neighborhood Services, Planning, etc.), for inspection to ascertain that all conditions of approval of this variance are complied with.
4. That additional or other building code requirements or specific code requirements (i.e. CA Green Building Code, etc.) will be required upon submittal of plans for building plans check and permit.
5. That Design Review Board approval shall be obtained prior to the issuance of a building permit.
6. That the development shall comply with all requirements of the City's Public Works Department, including but not limited to Engineering, Traffic, Urban Forestry, etc., and to the satisfaction of the Director of Public Works.
7. That if any buildings, sidewalks curb or gutter, fencing or landscape areas, etc. adjacent to the site are damaged during the course of construction on the 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 the public property.
8. That 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 Planning Hearing Officer.
9. That the development shall comply with the conditions of approval as specified in the Building and Safety memo, dated May 31, 2023, to the satisfaction of the Building Official.
10. That the development shall comply with all requirements of Fire Engineering of the Fire Department, as specified in their memo dated June 6, 2023, to the satisfaction of the Fire Chief.

11. That the development shall use a similar footprint on the existing building pad, including providing additional setback on the east side necessary to comply with fire safety access requirements.
12. That a six (6)-foot, six (6)-inch, interior setback on the east side is permitted. However, if greater setback is determined necessary by the Fire Department for fire access, then the setback shall be increased to accommodate Fire Department access requirements.
13. That a three (3)-foot, eight (8) inch, interior setback is permitted on the west side of the property. No eaves shall encroach upon this area.
14. That landscaping areas shall be maintained in good condition with live plants and free of weeds and trash.
15. That the applicant shall comply with all Section requirements as specified in their respective memos to the satisfaction of the City Department Directors, unless otherwise amended.

### 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 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 AUGUST 2, 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, Roger Kiesel, at [RKiesel@glendaleca.gov](mailto:RKiesel@glendaleca.gov) or 818-937-8152.***

### 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, Roger Kiesel, during normal business hours at (818) 937-8152 or via e-mail at [rkiesel@glendaleca.gov](mailto:rkiesel@glendaleca.gov).

Sincerely,  
Bradley Calvert  
Director of Community Development



Milca Toledo  
Planning Hearing Officer

MT:RK:sm

CC: City Clerk (K.Cruz); Police Dept. (Lt.S.Riley/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian/M.Yun); Building & Safety (S.Hairapetian); Neighborhood Services Division (J.Sada); Design Review and Historic (J.Platt); Economic Development (M.Berry); Housing Dept. (P.Zovak/M.Fortney); Urban Design and Mobility (F.Zohrevand; Community Services and Dept. (T. Aleksanian/A.Limayo); Information Services (A.Gordon); (Fire Prevention Engineering Section-(J.Diaz/D.Stimson);; General Manager for Glendale Water and Power (M.Young); GWP--Water Section (S.Boghosian/F.Garcia/K.Runzer; GWP--Electric Section (C.Babakhanlou/S.Boghosian/F.Garcia); Dir. of Public Works (Y.Emrani); Engineering & Land Dev (A.Avazian/S.Oganesyan/M.Oillataguerre/R.Villaluna); Traffic & Transportation Section (P.Casanova/S,Roudsari); Integrated Waste Management Admin. (D. Hardgrove); Maintenance Services/ Street and Field Services (L.Klick/C.Linares/O.Urquidez); G.Lemoine; G.&L.Naeve; M.Phillips;and case planner – Roger Kiesel.