



CITY OF GLENDALE, CALIFORNIA  
COMMUNITY DEVELOPMENT DEPARTMENT  
Director of Community Development

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Glendale, California 91206-4386  
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www.ci.glendale.ca.us

December 19, 2012

Edward Hagobian  
220 South Kenwood Street, #210  
Glendale, CA 91205

**RE: 1420 IRVING AVENUE  
VARIANCE CASE PVAR 1229518**

Dear Mr. Hagobian:

On December 12, 2012 the Planning Hearing Officer conducted and closed a public hearing, pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.43, for your application for a Variance to maintain an existing four-foot interior setback when five-foot is required due to the height of the single family house exceeding twenty feet in the "R1" – Low Density Residential Zone, Floor Area Ratio District I, described as Lot 23, Tract No. 11167, located at **1420 Irving Avenue**, in the City of Glendale, County of Los Angeles.

APPLICANT'S PROPOSAL

- (1) An interior setback of four-feet for the first floor.

CODE REQUIRES

- (1) Buildings and structures that exceed 20 feet in height and less than or equal to 30 feet permitted after May 2, 1991, shall be set back a minimum of five (5) feet from the interior property line. (G.M.C. 30.12.030, table B).

ENVIRONMENTAL RECOMMENDATION: This project is exempt from the California Environmental Quality Act (CEQA).

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 zoning ordinance in this circumstance would result in practical difficulties and unnecessary hardship inconsistent with the general purposes and intent of the ordinance. The "R1" zone is a low density residential zone and an interior setback provides a buffer between homes, protecting privacy. The requirement for a five-foot interior setback, in this case, on the south side of the house, would cause the existing bedrooms and bathroom on that side to become narrow and not functional which would be a practical difficulty. Since there are no changes proposed to the subject exterior wall, the requirement to move the wall in one foot would cause a hardship such that the existing plumbing fixtures would have to be moved in order to meet building code requirements for distance between fixtures. The minimum distance from the tub to the bathroom wall is required to be 30 inches, per Building Code. Currently the distance is 38 inches which would be reduced to 26 inches if the subject wall was required to be moved one-foot, which is less than the necessary clearance.

The applicant is proposing to add a new second floor to the house. The proposed interior setback on the south side for the second floor is shown as 12 feet 10 inches, well more than the minimum five feet required. Allowing the existing four-foot interior setback to remain allows the bedrooms to be more functional and the bathroom to meet the building code. Removal of the subject south wall in conjunction with other proposed demolition work, would create a violation of the City's requirement that at least 50% of the existing walls and roof be maintained to allow for a five foot setback in lieu of the six foot requirement for new construction.

**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 involved or to the intended use or development of the property that do not apply to other property in the same zone or neighborhood. The bedrooms and bathroom on the south side of the house are already narrow. To comply with code and move the wall in one foot would reduce the size of the bedrooms

and negatively affect the functionality of the house. In addition, the five-foot setback would cause the existing bathroom to be modified where no work was proposed. Reducing the width of the bathroom would cause the tub to not have the required clearance to the bathroom wall adjacent to the hallway. Under today's zoning code, a five foot setback is required in order for an existing house to exceed 20 feet in height. The applicant is proposing the second story with a setback of eight feet, eight inches, from the existing building wall and 12 feet 10 inches from the south property line, while maintaining the existing four foot setback on the first floor. The setback for the second story will exceed minimum code requirements and will increase the buffer between this property and the property to the south. There is no other work being done to the subject exterior wall on the first floor. That since the second story will have a 12-foot setback, the four-foot interior setback on the first floor is reasonable on the south side.

**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 setback variance will not be detrimental to the public welfare or injurious to the property or improvements in such zone or neighborhood in which the property is located. The existing setback on the first floor will be maintained at four feet, where five feet would be required to comply with the code. The proposed house meets all other code requirements except for the interior setback on the south side. The property provides a code compliant two-car covered and enclosed parking garage. This project will not conflict with adjacent residential uses or adversely affect them. In addition, if approved, the project would be required to be reviewed and approved by the Design Review Board which will ensure the project is compatible with the surrounding homes. Allowing the applicant to maintain existing setbacks on the ground floor will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood where this property is located.

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

The setback variance will not be contrary to the objectives of the ordinance. While one of the objectives of the Glendale Municipal Code is to maintain interior setbacks such that a proper buffer and privacy is in place between neighboring properties, the proposed development will provide a second story setback of 12 feet, 10 inches, which will provide an adequate buffer and help break up the massing of the house.

## **SUMMARY OF PLANNING HEARING OFFICER'S DECISION**

The Planning Hearing Officer was able to find the four (4) required findings for approval of the Setback Variance because this is an existing house and the code requirement to setback one foot along one side of the house would cause practical difficulties and unnecessary hardship. The design of the remodel provides for additional setbacks on the second-floor, resulting in reduced mass, greater privacy and less disruption for the owner and neighbors. Maintaining the existing first floor setback will not be materially detrimental to the public welfare or injurious to the property, nor contrary to the objectives of the zoning ordinance.

### **CONDITIONS of Approval:**

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

- 1) 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) All necessary permits (i.e., building, fire, engineering, 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) Design Review Board approval shall be obtained prior to the 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) A complete automatic fire sprinkler system and sounding devices shall be installed throughout the entire building in accordance with the recommendations of the National Fire Protection Association, Standard No. 13D, and the requirements of the Glendale Fire Department. The fire sprinkler plans shall be submitted to the Glendale Fire Engineering Bureau prior to the issuance of any building permits.
- 6) 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.

- 7) Landscaping areas shall be maintained in good condition with live plants and free of weeds and trash.
- 8) State Accessibility Standards shall be met for all parking requirements and building entrance accessibility as required by the Building and Safety Division.
- 9) Any expansion or modification of the facility or use shall require a new variance application. Expansion shall constitute additional floor area, or any physical change as determined by the Planning Hearing Officer with the concurrence of the Community Development Director.
- 10) 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 are complied with.

**APPEAL PERIOD (effective date), TIME LIMIT, LAPSE OF PRIVILEGES,  
TIME EXTENSION**

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 **JANUARY 3, 2013**, in the Building and Safety Division, 633 E. Broadway, Room 101.

**APPEAL FORMS available on-line:**  
<http://www.ci.glendale.ca.us/planning/SubmittingAProject.asp>

To save you time and a trip - please note that some of our FORMS are available on line and may be downloaded.

## **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.

## **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 all Variances (individual cases heard and decided upon by the Hearing Officer). To consider the revocation, the Hearing Officer 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.

## **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.

### **EXTENSION**

An extension of the Variance 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.

**NOTICE – subsequent contacts with this office**

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the case planner and/or 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,



Laura Stotler  
Planning Hearing Officer  
LS:sm

CC: City Clerk (K.Cortes); Police Dept. (Tim Feeley/Z.Avila); City Attorney's Dept. (G. van Muyden/M.Yun); Fire Prevention Engineering Section- (D.Nickles); City Engineer and Traffic & Transportation Section (Roubik Golanian/G.Tom); Director of Public Works and General Manager for Glendale Water and Power (Stephen Zurn); Glendale Water & Power--Water Section (R.Takidin); Glendale Water & Power--Electric Section (M.Kelley/M.Jackson); Parks, Recreation and Community Services Dept. (Emil Tatevosian); Neighborhood Services (A.Jimenez); Integrated Waste Management Admin. (D.Hartwell); Maintenance Services Section Admin. (D.Hardgrove); Street and Field Services Admin.; Environmental Management (M.Oillataguerra); and case planner – Brad Collin.