

February 25, 2014

Pan Rolph  
903 East Verdugo Avenue  
Burbank, CA 91501

**RE: 330 KEMPTON ROAD  
STANDARDS AND SETBACK VARIANCE CASE NO. PVAR 1323852**

Dear Mr. Rolph:

On February 5, 2014, the Planning Hearing Officer conducted and closed a public hearing, pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.43, on your application for a Standards Variance to allow the existing single family dwelling to exceed the allowable height by one foot, seven inches, and two Setback Variance applications for a playhouse and fence to be located within the street front setback, located at **330 Kempton Road**, in the "R1R" - Restricted Residential Zone, described as Lots 102 and 103 and Portions of 99, 100 and 101, Tract No. 9152, in the City of Glendale, County of Los Angeles.

CODE REQUIRES

Standards Variance

- 1) The maximum building height for single family homes in the R1R (Restricted Residential) zone is 35 feet provided the roof has a 3:12 pitch (G.M.C. 30.11.040 E).
- 2) The minimum street front setback for all buildings and structures is 15 feet.
- 3) The minimum street front setback for all buildings and structures is 15 feet.

APPLICANT'S PROPOSAL

Standards Variance

- 1) To exceed the maximum allowable height by one foot, seven inches, to 36 feet, 7 inches high, due to an existing architectural turret and attached recreation room below the pool deck.
- 2) To allow a play house to maintain an eight-foot street front setback.
- 3) To allow a wrought iron fence to maintain a four-foot street front setback.

ENVIRONMENTAL RECOMMENDATION: The project is exempt from CEQA review as a Class 3 "New Construction or Conversion of Small Structures" exemption pursuant to State CEQA Guidelines Section 15301.

## 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. The strict application of the provisions of the ordinance would result in practical difficulties or unnecessary hardship inconsistent with the general purposes and intent of the ordinance.**

The "R1R" zone is considered a single family hillside zone. The zoning code establishes maximum building heights to minimize the mass and scale of residences as well as promote compatibility within neighborhoods. The site slopes down from Kempton Road toward Brockmont Drive. The northern portion of the site is gently sloping whereas the southern, eastern and western areas of the property are steeply sloping. The property has a grade differential from Kempton Road to Brockmont Drive of approximately 82 feet.

The recreation room was approved by the Historical Preservation Commission subject to being attached to the house by means of a below grade hallway. Therefore, the height of the house is measured from where the recreation room comes out of the ground to the highest point of the house, which is an existing turret. The applicant is requesting a building height of 36 feet, 7 inches, instead of the 35 feet allowed by code. To comply with the maximum height limit, the grade outside of the recreation room would need to be raised and retaining walls added. Raising the grade will provide awkward access from the recreation room to the outside because of the change in floor level. Additionally, the grade change will cause the exterior recreation room arches to be out of proportion with the arches throughout the rest of the property. The recreation room façade was approved by the Historical Preservation Commission (HPC), conditioned upon the recreation room arches to be more rectangular to match the existing arches on the residence. It would be practically difficult to comply with the conditions of the HPC approval, while also complying with the height requirements of the R1R district because of the grading that would need to occur. Further, it would be an unnecessary hardship to require compliance with the maximum height standards given the house and the recreation room appear as separate structures and are attached only through an underground hallway.

The goal of the street front setback is to provide a buffer between single-family homes and the street and an open streetscape. The on-site wrought iron fence along Brockmont Drive has a street front setback of four feet and

the play house has a setback of eight feet. The topography in this area is very steep such that the grade difference between the street and the fence and playhouse is 18 feet and 21 feet, respectively. This situation creates a vertical buffer. It would be an unnecessary hardship to require the minimum street front setback given the topography of the area which prohibits the open streetscape desired and the vertical separation provides a buffer between Brockmont Drive and the on-site development.

**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 house is a Spanish Colonial Revival-style house designated on the Glendale Register of Historic Resources since 1977. This designation restricts modifications to the house and proposed alterations must be approved by the Historic Preservation Commission (HPC). The HPC conditioned the proposed arches on the recreation room to be rectangular in shape to match arches on the residence. To enable this, the grade outside the recreation room must be the same as the floor level of this room. There are no visible changes to the height of the house since the recreation room and the residence are connected only through an underground hallway. Further, the recreation room and the adjacent topography of the yard are not visible from adjacent streets or neighbors. Constraints placed on the project because it is a historic resource is the exceptional circumstance, which warrants making this finding in the affirmative.

The terrace level of the property where the fence and playhouse are located is much higher than the adjacent Brockmont Drive. The vertical buffer that this elevation difference provides in this case functions similarly to the horizontal buffer enabled by standard street setback and is the condition applicable to the subject property not commonly found 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.**

The granting of the variance for building height will not be materially detrimental because the "increase" in height is modest and is only a result of the main residence and recreation room being connected by an underground hallway. No changes are proposed to the existing residence and this building does not appear connected to the recreation room. Further, neither this room nor the grade change adjacent to it will be visible due to the topography of the area and the landscaping and the distance between the subject property and its neighbors.

Similarly, the granting of the variance for setbacks will not be materially detrimental because while the fence and playhouse are four feet and eight feet respectively from the street front property line, due to steep topography and landscaping, these features are not readily visible from Brockmont Drive. Further, requiring the fence to comply with the street front setback requirement would create a "no-man's-land" between the fence and the steep slope resulting in an area which would be hard to maintain and dangerous if someone was to access this area.

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

An objective of the maximum building height standard is to minimize the mass and scale of residences and maintain their compatibility with the surrounding neighborhood. This will be achieved since there are no changes to the existing house and the recreation room appears to be detached from the house. Further, the subject residence exceeds the maximum height by only 1-foot, 7-inches, which is nominal given the topography of the site, distance between the subject residence and its neighbors and that the recreation room and main residence appear as two separate structures.

One purpose of street front setback requirements is to maintain open, park-like streetscapes. Due to the area topography, this characteristic is not possible. Neither the play house nor the fence will be readily visible from adjacent Brockmont Drive and do not make the streetscape less open or park-like.

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

The Planning Hearing Officer was able to make all required findings for the variances because the site is steeply sloped, contains a residence listed on the Glendale Register of Historic Resources and features of the project are not readily visible from surrounding properties or adjacent streets.

**CONDITIONS OF APPROVAL**

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

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 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. 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.
6. Landscaping areas shall be maintained in good condition with live plants and free of weeds and trash.
7. 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, 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 Permit Services Center (PSC) or the Community Development Department (CDD) upon request and must be filed with the prescribed fee prior to expiration of the 15-day period, on or before **MARCH 12, 2014** at the Permit Services Center (PSC), 633 East Broadway, Room 101,

Monday thru Friday 7:00 am to 12:00 pm, or at the Community Development Department (CDD), 633 East Broadway, Room 103, Monday thru Friday 12:00 pm to 5 pm.

### **GMC CHAPTER 30.41 PROVIDES FOR**

**TERMINATION:** Every right or privilege authorized by a variance, shall terminate two (2) years after 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:** Variances 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 or 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 such variance.

### **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. 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.

## REVOCACTION, CONTINUING JURISDICTION

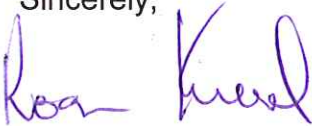
**Section 30.64.020 – REVOCATION** – The Community Development Department shall have continuing jurisdiction over variances, conditional use permits and administrative exceptions (individual cases heard and decided upon by the Hearing Officer). To consider the revocation, the Hearing Officer shall hold a public hearing after giving notice by the same procedure as for consideration of a variance at least 10 days notice to the applicant or permittee.

Continuing jurisdiction over any case is the purview of the hearing officer, with concurrence by the Director of Community Development.

### **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.

Sincerely,



Roger Kiesel  
Planning Hearing Officer

CC: City Clerk (K.Cruz); Police Dept. (Tim Feeley/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); 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 (S.Zurn); Glendale Water & Power--Water Section (R.Takidin); Glendale Water & Power--Electric Section (M.Kelley/M.Jackson); Parks, Recreation and Community Services Dept. (E.Tatevosian); Neighborhood Services Division (A.Jimenez); Integrated Waste Management Admin. (D.Hartwell); Maintenance Services Section Admin. (D.Hardgrove); Street and Field Services Admin.; Environmental Management (M.Oillataguerra); Seth Briskman-designer on the project; and case planner-Brad Collin.