



CITY OF GLENDALE, CALIFORNIA  
COMMUNITY DEVELOPMENT DEPARTMENT  
Planning Division

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December 21, 2012

Alen Malekian  
2255 Honolulu Ave. #1A  
Montrose, CA 91020

**RE: VARIANCE CASE NO. PVAR 1219971  
1675 Ard Eevin Ave.**

Dear Mr. Malekian:

On December 19, 2012, the Planning Hearing Officer conducted and closed a public hearing pursuant to the provisions of the Glendale Municipal Code, Chapter 30.43, on your application for a variance to construct a second floor addition to an existing house where the floor area ratio would exceed the allowable ratio on the property located at 1675 Ard Eevin Avenue in the "R1 I HD" (Low Density Residential, Floor Area District I, Ard Eevin Highlands Historic District) zone, described as Lot 31 of Tract 6663.

#### **REQUIRED/MANDATED FINDINGS**

After thorough consideration of the statements contained in the application, the plans submitted, the report by the Planning Division staff, and the statements made at the public hearing with respect to this application, the Planning Hearing Officer has **DENIED** your application based on the following:

- A. The strict application of the provisions of the ordinance would not 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 not result in practical difficulties and unnecessary hardship inconsistent with the general purposes and intent of the ordinance. The subject property and surrounding properties are located within the R1, Low Density Residential, zone, floor area district 1, which allows a maximum floor area of .30 times the lot area. Since the lot is 9,410 square feet in area, the maximum allowable floor area would be 2,832 square feet. The subject property is developed with a two-story house with a basement that includes a large family room and a detached garage with living area on the second floor. The existing floor area for the first and second floor of the house is 2,932 square feet, which exceeds the maximum allowable floor area by 109 square feet. With the inclusion of the basement area, at 607 square feet, and the living area attached to the garage, at 736 square feet, the existing floor area of 4,275 square feet exceeds the allowable floor area by 1,452 square feet (a 0.45 floor area ratio). The proposed 172 square foot addition would increase the floor area to 4,447 square feet (a 0.47 floor area ratio). Finally, it appears that a bathroom can be added within the existing second floor by converting some or all of the office without adding floor area. This option would avoid changing the floor area ratio and would not alter the exterior of the house.

- 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 no 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 subject property is located within a single family zone. The properties within the area are approximately the same size. However, this lot is already over the allowed floor area for its floor area district. This addition would further increase the floor area nonconformity. Additionally, a bathroom can be accommodated within the existing second floor without adding floor area to a house that already exceeds what is allowed by code.
- 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 proposed house meets all other code requirements except for the floor area ratio. The proposed addition would not significantly affect the scale or massing of the house due to the proposed addition being located at the back of the house and above the existing first floor. In addition, the proposed addition would be located at the back of the house and would not affect the façade visible from the street. This would help preserve the historical aspect of the home and surrounding historic district.
- D. The granting of the variance will be contrary to the objectives of the ordinance.** The intent of the floor area ratio standard is to provide some consistency in how large homes can be in relation to the size of the lot; to avoid creating structures that overwhelm the lot; and to ensure that homes in the same floor area ratio district are somewhat consistent in size. Evidence was presented that there are other homes in the neighborhood that exceed the floor area ratio for the district. This is no different than when other zoning regulations are compared to conditions that exist on the ground today. For example, many homes in the single family zones of Glendale have garages that are not large enough to meet today's standards, or the homes are built closer to the property lines than would be allowed today. The existence of these non-conforming structures does not provide a rationale for allowing new construction to create, or worsen, non-conforming conditions. The fact that other homes in the neighborhood exceed the floor area ratio may also be evidence of the mansionization problem that prompted the creation of the floor area ratio standard. The existing habitable space on the property exceeds what is allowed by 1,452 square feet. The addition of new floor area will only further increase this nonconformity, which is contrary to the goals of the zoning ordinance.

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

The Planning Hearing Officer was not able to make all four required findings in favor of the application because the existing floor area already exceeds what is allowed in the R1 II HD zone, and there is room on the second floor to create a bathroom without adding floor area or altering the exterior.

#### **APPEAL PERIOD, TIME LIMITS, LAPSE OF PRIVILEGES, TIME EXTENSIONS**

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

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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 Section upon request and must be filed with the prescribed fee **prior to expiration of the 15-day period, on or before January 7, 2013** in the Permit Services Center, 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. AGENDAS and other NOTICES are also posted on our website.

**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 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,



Jeff Hamilton  
Planning Hearing Officer

CC: City Clerk (K. Cortes); Fire Prevention Engineering Section (D.Nickles); Community Development Dept. (T.Foy); City Engineer and Traffic & Transportation Section (Roubik Golanian); Glendale Water & Power--Water Section (R.Takidin); Glendale Water & Power--Electric Section (Belinda Ortiz); Parks, Recreation and Community Services Dept. (Emil Tatevosian); Neighborhood Services (A.Jimenez); Integrated Waste Management (D.Hartwell); Maintenance Services Section (D.Hardgrove); Environmental Management (M.Oillataguerra); Dir. of Public Works; Dir. of Water and Power; Oscar Yague-owner; A. Malekian-applicant; and case planner – Bradley Collin