



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

633 East Broadway, Room 103
Glendale, California 91206-4386
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February 16, 2012

Jeremy Ball
616 Whiting Woods Road
Glendale, CA 91208

**RE: 616 WHITING WOODS ROAD
SETBACK VARIANCE CASE NO. PVAR 2010-027**

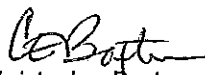
Dear Mr. Ball:

The Planning Commission of the City of Glendale, at its meeting held on February 15, 2012, conducted a public hearing on your appeal regarding Setback Variance Case No. PVAR 2010-027 for a property located at 616 Whiting Woods Road. After due consideration, the Planning Commission **reversed** the Planning Hearing Officer's decision denying said setback variance and **APPROVED** said application, subject to the findings and conditions listed in the motion adopted by the Planning Commission on February 15, 2012. Copy of the motion is attached.

Under the provisions of Chapter 30.62.060 of the Glendale Municipal Code, any person affected by the decision of the Planning Commission has the right to appeal said determination to the City Council 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 at the hearing. Any appeal must be filed within fifteen (15) days following the actual date of such action (**March 1, 2012**). Appeal forms will be provided upon request and must be filed in the Building and Safety Division, 633 East Broadway, Room 101, together with the required filing fee for such appeal, prior to expiration of the fifteen (15) day period.

If you have any questions, please do not hesitate to call Christopher Baxter, Planner at (818) 937-8162.

Sincerely,
Hassan Haghani, AICP
Director of Community Development Department


Christopher Baxter
Planner
CEB:sm

CC: City Clerk; Police Dept. (Lt. T.Feeley); City Attorney's Dept. (M.Garcia); Dir. Of Redevelopment and Housing Dept.- (E.Tatevosian); Fire Prevention Engineering Section-(D.Nickles); Community Planning Dept.-(H.Malis); City Engineer; Dir. of Public Works Dept.; Water Section (R.Takidin); Electric Section (M.Kelley/M.Jackson); Dir. of Parks, Recreation and Community Services Dept.(M.Stirdivant); Neighborhood Services Admin. (S. Delis); Integrated Waste Management Admin. (D.Hartwell/T.Brady); Maintenance Services Section Admin. (D.Hardgrove); Street and Field Services Admin.; Environmental Management (M.Oillataguerra); Traffic & Transportation Admin. (T.Mitchell); Williams Land Use Services - J. Williams; Jim Pietsch-owner; R.Barnes; J.Barengoltz; G.Greer; F.Mead; and case planner - Christopher Baxter.



MOTION

Moved by Planning Commissioner Astorian, and seconded by Planning Commissioner Scheetz, that upon review and consideration of all materials and exhibits of current record relative to Setback Variance Case No. PVAR-2010-027, located at 616 Whiting Woods Road, and after having conducted a hearing on said matter, the Planning Commission hereby reverses the hearing officer's decision and approves said Setback Variance Case No. PVAR-2010-027, to permit a 253 square-foot building, a block wall and wire fence, and a fixed basketball pole, hoop and hardscape (extended patio area) in the Honolulu Avenue 25-foot street-front setback and a chain link fence and wood fence in the Whiting Woods 6-foot side-street setback where they are not allowed, located at 616 Whiting Woods Road, in the "R1"- Residential, described as Lots 6, Tract No. 13671 in the City of Glendale, County of Los Angeles, in accord with the findings set forth below.

REQUIRED/MANDATED 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 property is an 18,530 square-foot rectangular corner lot that immediately abuts the Verdugo Flood Control Channel with large oak tree canopies covering the majority of it. The remainder of the property is occupied by old growth fruit trees and a vegetable garden cultivated by the property owner. The City designated the property's address as Whiting Woods Road though technically the Zoning Code recognizes Honolulu Avenue as the street front. Due to the property being a corner lot, the orientation of the house and the accessory building give the appearance that Whiting Woods Road is the street-front setback and Honolulu Avenue is a side street. The accessory building is set back greater than 40 feet from Whiting Woods Road and 9-feet, 5-inches from Honolulu Avenue which exceeds the side street setback requirement of six-feet. The basketball pole and hardscape are set back even further from Honolulu Avenue well outside a six-foot side street setback area. Due to the property's large growth of oak trees on the site and neighboring property, the accessory building is ideally situated in its current location. Dense landscaping effectively screens the block walls and fences on Whiting Woods Road and Honolulu Avenue. A condition of approval will require that landscape screening of the walls and fences shall be maintained for as long as the walls and fences remain.
- 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 property is a corner lot immediately adjacent to the Verdugo Flood Control Channel. The numerous oak tree canopies cover a large portion of the subject site limiting the placement of the accessory building. The house and accessory building are oriented toward the intersection of Honolulu Avenue and Whiting Woods Road. Also, the City assigned the house address as Whiting Woods Road which gives the appearance that Honolulu Avenue is the property's side street. The physical constraints associated with the corner property, oak tree canopies and house orientation limit the location of the building as well as the basketball pole and hardscape. The fencing is densely landscaped and screened from view from both Honolulu Avenue and Whiting Woods Road. A condition of approval will require that landscape screening of the walls and fences shall be maintained for as long as the walls and fences remain. Furthermore, Whiting Woods Road adjacent to the property does not have a sidewalk, and the Honolulu Avenue wall was constructed before the street was widened, which at the time gave a greater visual buffer between the wall and the pavement. Finally, the site slopes down from Honolulu Avenue, minimizing the visibility of the wall and building along that street.

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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 Code creates specific districts, such as the R1 Residential Zone, which consists of similar land uses and development standards. The Code equitably regulates and restricts development of buildings and structures including walls, fences and basketball poles, hoops and hardscape. Each of these land uses is an allowed and compatible use associated with single-family homes. There is no evidence in the record that any party has asserted these features to be detrimental in any aspect. Due to the land constraints associated with the property as noted in the above findings, it is not anticipated these improvements will diminish the value and quality of all the surrounding properties. In addition, the North Glendale Community Plan encourages the maintenance of the area's rustic character, which includes the landscaping along the fences and walls.

D. The granting of the variance will not be contrary to the objectives of the ordinance. Objectives of the zoning ordinance include designating, regulating and restricting the location and use of buildings, structures and land to protect neighboring residential homes from harmful encroachment inconsistent with their zone. The R1 Zone regulations are necessary to maintain and enhance the value of property and to regulate and encourage uses and development to be consistent within their zones subject to there being equal development opportunities. Complying with these regulations promotes and protects the public health, safety and general welfare of the community in accordance with the comprehensive general plan. The subject requests would be consistent with the objectives of the ordinance due to its limited development opportunities because of numerous and extensive oak tree canopies, the disadvantage of the subject property's unique corner location immediately adjacent the Verdugo Flood Control Channel, and the house's orientation toward the corner of Honolulu Avenue and Whiting Woods Road.

APPROVAL of this Setback 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 Hearing Officer.
- 2) That all licenses, permits as required or approvals from Federal, State, County or City authorities including the City Clerk shall be obtained and kept current at all times.
- 3) That the premises shall be operated in full accord with applicable State, County, and local laws.
- 4) That any expansion or modification of the facility or use shall require a new variance application. Expansion shall constitute adding of floor area, walls and fences or any physical change as determined by the Hearing Officer, with the concurrence by the Director of the Community Development Director.
- 5) That Design Review Board approval/exemption shall be obtained prior to the issuance of a building permit.

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- 6) That plant materials sensitive to oak tree environments shall screen the existing walls and fences in the street-front and street-side setback areas to the satisfaction of the Director of the Community Development Department and the Urban Forester. Such materials shall be continuously maintained to the satisfaction of the Director of the Community Development Department.

VOTE

Ayes: Astorian, Yesayan, Scheetz, Landregan

Noes: None

Abstain: Lee (was not present for the February 1, 2012 hearing)

Absent: None