



CITY OF GLENDALE, CALIFORNIA  
COMMUNITY DEVELOPMENT DEPARTMENT  
Planning Division

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December 19, 2012

Kendall Hales  
2852 Foothill Blvd.  
La Crescenta, CA 91214

**RE: VARIANCE CASE NO. PVAR 1234774  
3650 5th Ave.**

Dear Mr. Hales:

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 the application for a variance to allow the construction of a new 1,445 square-foot, two-story residence with an attached two-car garage, on a 3,615 square foot lot, located at 3650 5th Avenue, in the "R1 II" – Low Density Residential zone, Floor Area District II, described as Lot 323, Licensed Surveyor's Map Book 14, Page 27 28.

#### **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 **GRANTED WITH CONDITIONS** your application based on the following:

- A. That 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 variance request is to allow the construction of new single-family house on a substandard lot which was created specifically for the intended use. Practical difficulties exist in meeting the strict application of the ordinance for a minimum 5,000 square-foot lot since no other vacant parcels exist adjacent to this lot. Moreover, all adjacent lots are also less than 5,000 square feet and would become more nonconforming as to size even if those owners were willing to sell land to this owner. As the proposed project will meet all other code standards except for the lot area requirement, the Standards Variance is the minimum exception necessary to allow development of the vacant land. The intention of the Code is to allow the reasonable development of property. This variance will allow the construction of an otherwise conforming building to fit into an existing single-family neighborhood.
- B. That 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 properties in the same zone or neighborhood.** The lot is located in an annexed area where there are many other lots that are less than 5,000 square feet in area. These lots were subdivided sometime prior to annexation in 1952 with the clear intent that they be developed with single family homes. All the properties on the souther-

ly side of 5<sup>th</sup> Avenue between Lauderdale and Dunsmore Avenues have a lot depth ranging from 71 to 73 feet and a width of 50 feet, resulting in a lot area less than 5,000 square feet. None of the lots along 5<sup>th</sup> Avenue between Lauderdale and Dunsmore Avenues comply with the minimum 5,000 square foot lot area requirement and all these lots are developed with a single-family residence. Currently, only three of the 29 lots within 300 feet along 5<sup>th</sup> Avenue are greater than 5,000 square feet. Typically, R1-zoned lots in Glendale are much larger and are not as constrained as this one is. The variance proposal involves the demolition of the existing 656 square foot house and detached, substandard one-car garage and the construction of a new house. The proposed project is able to meet all other applicable code requirements with the exception of the lot size.

- 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 in which the property is located. The subject parcel was developed in 1924 with a 656 square-foot, single-family house (to be demolished) and the majority of other properties in the neighborhood feature similar lot sizes and developments. The majority of the lots within 300 feet along 5<sup>th</sup> Avenue and those within a 300 foot radius to the north (including those on 4<sup>th</sup> Avenue) are less than the minimum 5,000 square foot lot area requirement (total of 42 lots); these lots are also developed with single-family houses. The proposed house will generally be consistent with character of the neighborhood and is in keeping with the neighborhood design. Except for lot area, the proposal complies with all other zoning standards, such as setbacks, height, FAR, parking, and landscaping. The two-car garage and driveway will provide the necessary and required parking on the site for the owners and guests. The location and configuration of the house are well-situated on the site. Further, the project shall be reviewed by the Design Review Board for design compatibility with the neighborhood. The proposal will result in a single family house on a substandard lot among other single family homes on similar lots, with no anticipated negative impacts to the neighborhood or public welfare.
- D. The granting of the variance will not be contrary to the objectives of the ordinance.** Approval of the Variance would allow reasonable redevelopment of the site, which was originally subdivided for a single-family residence and developed with a single family house in 1924. The existing house is to be replaced with a new two-story house on a lot similar in size to most of the others in the neighborhood. The proposed building is compatible with similar homes in the neighborhood and is within the objectives of the ordinance. The proposal is an improvement over the property's current substandard state with its 656 square foot house and substandard garage. The design and size of the proposed house will enable the applicant to maintain the property while providing for a house and attached two-car that meet today's standards and needs. The proposal is consistent with the goals and objectives of the Glendale Municipal Code and with the Land Use Element of the General Plan adopted by the City Council.

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

The Planning Hearing Officer was able to make all four required findings in favor of the application because this is a small lot that was subdivided long before the City's lot size standard for R1 lots. The conditions of approval will control the use in a manner necessary to allow the use to properly fit into the specific location.

## 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 shall be obtained from the Building and Safety Section 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. The applicant shall comply with all Fire, Public Works-Engineering and Integrated Waste, and Glendale Water and Power (GWP) requirements, as specified in the corresponding memos copies attached, to the satisfaction of the Fire Chief, Director of Public Works, and Director of GWP, respectively.

## 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 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 4, 2013** in the Permit Services Center, 633 E. Broadway, Room 101.

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:** Variance. 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 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.

**REVOCAION, CONTINUING JURISDICTION**

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over variances and conditional use permits (individual cases heard and decided upon by the Planning Hearing Officer).

To consider the revocation, the Planning 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. 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 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

Variance PVAR 1234774  
3650 5th Ave.

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; Calvin Bayles-owner; K. Hales-applicant; and case planner – Villia Zemaitaitis