



August 17, 2017

Ms. Barbara Paderni
5337 Coldwater Canyon Avenue
Sherman Oaks, CA 91401

**RE: 3624 ENCINAL AVENUE
VARIANCE CASE NO. 1704220**

Dear Ms. Paderni:

On August 16, 2017, the Planning Hearing Officer conducted and closed a public hearing, pursuant to the provisions of the Glendale Municipal Code (GMC), Title 30, Chapter 30.43, on your application for a variance to maintain a one-car garage (10'-10" by 20'-0" exterior dimensions) in conjunction with a 496 square-foot addition to an existing single-story, single family residence, located at **3624 Encinal Avenue**, without providing the required two-car garage. The project site is located in the "R1" - Low Density Residential Zone, Floor Area District II, and described as Lot 71 of Tract No. 8447 in the City of Glendale.

CODE REQUIRES
Standards Variance

- 1) The minimum number of required off-street, covered parking spaces for a single family detached dwelling unit with less than 3,499 square feet of floor area is two spaces (G.M.C. 30.32.090.B.).

APPLICANT'S PROPOSAL
Standards Variance

- 1) To maintain the existing one-car garage (10'-10" by 20'-0" exterior dimensions, with an 8'-0" door and interior dimensions of 10'x19').

ENVIRONMENTAL DETERMINATION

The project is exempt from CEQA review as a Class 1 "Existing Facilities" exemption pursuant to State CEQA Guidelines Section 15301 (e), because the addition to an existing structure is less than 2,500 square feet.

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 variance 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 provisions of the ordinance in this circumstance would result in practical difficulties and unnecessary hardship inconsistent with the general purposes and intent of the zoning ordinance. The applicant is proposing to add 496 square feet (a new master bedroom, bathroom, walk-in closet, and laundry room) and a 73 square-foot deck at the rear of the existing 1,303 square feet, one-story home to provide more living

space. The proposed addition triggers the requirement that the existing one-car garage to be brought up to Code. As a result, the applicant is applying for a standards variance to maintain the existing one-car garage in conjunction with the addition, when a two-car garage is required by the Zoning Code. Enlarging the existing one-car attached garage to meet the current two-car garage standard would create a practical difficulty and significant hardship by requiring the expansion of the garage into the existing house and the demolition of a large portion of the living room. A code-compliant 20 ft. by 20 ft. garage cannot be located anywhere else on the lot without demolishing a large portion of the house, since the existing easterly interior setback is already only 3'-5" and the westerly interior setback is 3'-8", where 4'-0" would be required for new construction. The current configuration does not have enough room for a driveway to a detached garage at the rear, and the required interior setbacks prohibit expansion of the garage into the side setback, thereby making it difficult to build a new two-car garage elsewhere. Furthermore, the existing front setback is 30 ft. in length which will not allow for a new detached garage at the front of the house; the R1 zone features a minimum 25-foot street front setback. Therefore, the construction of a new code-compliant garage would be considered a significant hardship.

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 applicable to this property that does not apply to other properties in the same neighborhood. This lot is the only property on the block of smaller lots which was developed with a one-car garage at the front. Unlike the other lot configurations in the area, this existing site plan with the attached garage at the front, as noted in "Finding A", creates exceptional circumstances that make it difficult to construct a code-compliant two-car garage without major changes to the existing house.

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.

Granting approval of the variance to maintain only a one car garage will not be materially detrimental to the surrounding properties and neighborhood. The existing 1,303 square-foot house on the lot has been inhabited for 69 years with only the existing one-car garage with no major issues. The 30-foot driveway in front of the garage provides for additional off-street parking for the residents. With the addition, the expanded residence will have a total area of 1,799 square feet, which is not considered overly large or expected to increase the demand for on-site parking. The impact of the additional area while maintaining the existing parking conditions is not expected to result in a substantial parking demand that would burden the neighborhood and negatively impact the surrounding properties.

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

The granting of the variance will not be contrary to the objectives of the ordinance. The request for this variance was necessitated by the addition. With the existing one-car garage and longer driveway in front, two cars could essentially be parked on the lot (one covered, one uncovered); this would essentially meet the intent of providing off-street parking for two cars. The requested variance will allow the existing single family home to expand while keeping the house functional. Furthermore, the proposed addition is

subject to Design Review to address any potential massing and siting issues, as well as ensuring compatibility with the surrounding properties.

CONDITIONS OF APPROVAL

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

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 Planning Hearing Officer.
2. That all necessary licenses (i.e. building, fire, engineering, etc.) shall be obtained from the Building & Safety section and all construction shall be in compliance with the Glendale Building Code UBC (Universal Building Code) and all other applicable regulations.
3. That Design Review Board approval or exemption shall be obtained prior to plan check submittal and building permit issuance.
4. That revised plans shall be submitted, identifying the basement storage area (width, length and height), and that a permit shall be obtained to legalize the improved basement storage area. The overall height of this space must be less than six feet so as to not be considered habitable floor area, per the Zoning Code definition of Floor Area. If the overall height exceeds six feet, the space shall be modified to comply with this standard; otherwise, the additional floor area will exceed the scope of work identified in this variance application and considered at the public hearing, thereby triggering the requirement for a new variance request.
5. That an updated site plan shall be provided prior to plan check submittal, accurately identifying the locations and driplines of the protected indigenous trees that are present on or within 20 feet of the property, as well as the location of the unpermitted structure in the rear yard. If this structure cannot be legalized, its removal must be noted on the plans and in the project's scope of work.
6. That the City's Urban Forester shall review the revised site plan and proposed project (new addition and deck) and that an indigenous tree permit application shall be obtained by the applicant or property owner. The applicant shall work with City staff to redesign the proposed deck and stair if they negatively encroach into the dripline of adjacent Oak tree.
7. That the applicant must comply with all mitigation measures from the City's Urban Forestry Division. All required tree protection measures (e.g. fencing) shall be installed prior to the start of construction.
8. That landscaping areas shall be maintained in good condition with live plants and free of weeds and trash.

APPEAL PERIOD

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 **SEPTEMBER 1, 2017**, at the Permit Services Center (PSC), 633 East Broadway, Room 101, Monday thru Friday 7:00 a.m. to 12:00 p.m., or at the Community Development Department (CDD), 633 East Broadway, Room 103, Monday thru Friday 12:00 p.m. to 5 p.m.

APPEAL FORMS available on-line <http://www.glendaleca.gov/appeals>

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

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 the Variance.

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.

REVOCATION

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over variances, conditional use permits and administrative exceptions. To consider the revocation, the Director of Community Development shall hold a public hearing after giving notice by the same procedure as for consideration of a Conditional Use Permit at least 10 days' notice by mail to the applicant or permittee.

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.

You may contact the case planner, Danny Manasserian, during normal business hours at (818) 937-8159 or via e-mail at dmanasserian@glendaleca.gov.

Sincerely,



Vilia Zemaitaitis, AICP
Planning Hearing Officer

VZ:sm

cc: City Clerk (K. Cruz); City Attorney's Dept. (G. van Muyden); Fire Prevention Engineering Section (J. Halpert); Dir. Of Public Works (R. Golanian); Traffic & Transportation Section (P. Cassanova); General Manager for Glendale Water & Power (S. Zurn); Glendale Water & Power - Water Section (G. Tom/S. Boghosian); Glendale Water & Power - Electric Section (B. Alshanti/B. Ortiz); Community Services & Parks Dept. (A. Isayan); Neighborhood Services Division (J. Jouharian/R. Sada); Integrated Waste Management Admin. (C. Marcarello); Maintenance Services Section Admin. (D. Hardgrove); Street & Field Services Admin.; Engineering and Environmental Management (C.Chew/R. Villaluna); case planner - Danny Manasserian.