



April 26, 2018

Garnik Tonoyan
1871 Sherer Lane
Glendale, CA 91208

**RE: REASONABLE ACCOMMODATION
CASE NO. PRACCOM 1803188
1871 SHERER LANE**

Dear Mr. Tonoyan:

On April 26, 2018, the Director of Community Development, pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.52, **APPROVED WITH CONDITIONS** your application for a Reasonable Accommodation to allow a maximum six-foot high wrought iron fence along the street front property line and a gate along the driveway, where no fencing is permitted in the street-front setback (minimum 15 feet), for an existing residence located in the "R1R" – Restricted Residential Zone, Floor Area District II, addressed at **1871 Sherer Lane**.

After considering the evidence presented with respect to this application, the Director of Community Development has granted, with conditions, your application based on the following findings.

- A. The dwelling is occupied by a person with a disability, as defined under the Federal Fair Housing Amendments Act of 1988 and California's Fair Employment and Housing Act, herein known as the "Acts". The disabled individual, a minor, lives in the dwelling unit under the care of the property owner and meets the definition of disabled under the Act. Specifically, the disabled individual has been prone to leave the property without notice or supervision.
- B. The requested accommodation is necessary to make the dwelling/property available to an individual with a disability protected under the Acts. As noted in Finding A, an individual residing at the residence, a minor, meets the definition of disabled under the Act. The request will allow for the disabled individual to have a more secured environment that includes fencing around the perimeter of the property.
- C. The requested fence and gate within the street-front setback area are accommodations that are directly and reasonably related to the disability, and are necessary to help protect the safety of the minor, to avoid disturbances in the neighborhood, and ultimately, to accommodate the disabled individual residing at the property.
- D. The requested accommodation will not impose an undue financial or administrative burden on the City. The applicant will be required to obtain a building permit from the

Building and Safety Division for the motorized gate. The applicant will pay for all construction work, materials and permits, and will impose no financial or administrative burden on the city.

- E. The requested accommodation will not require a fundamental alteration in the nature of the City's overall land use and zoning program. The subject lot is located in the "R1" Low Density Residential Zone, FAR District I, and is improved with one dwelling unit, and an attached garage. In accordance with the Zoning Code, GMC 30.11.030, the minimum street-front setback is 15'-0", and there are no general exceptions to allow fences or gates in the street-front setback area. The reasonable accommodation request is to permit the wrought iron fence and gate along the front property line and in the street-front setback area. The land use will remain single-family residential and the fencing will allow for a disabled individual to move about the property more freely while ensuring a safer, more contained environment for the minor. As a result, the request will not require a fundamental alteration in the overall land use and zoning program for the City.
- F. The requested accommodation in the form of a fence and gate within the street-front setback area, considered singly and the project in total, would be in keeping with and not detrimental to the neighborhood character and would not result in a substantial increase in traffic. No changes are proposed to the existing single-family dwelling and attached garage or site plan, except for the legalization of the fencing and gate. As such, the requested accommodation would not result in a substantial increase in traffic. Furthermore, the wrought-iron fencing and gate across the front of the property still allows for visibility from the street and somewhat maintains the openness of the front yard area, which is the intention of the street-front setback standards. Therefore, the design and location of the fencing and gate would not be greatly detrimental to the neighborhood character of the street.
- G. The requested accommodation shall not run with the land. The fence must be removed once the disabled individual no longer lives on the property or outgrows the need for the perimeter fencing, or upon sale of the property. A covenant is required to provide notice to future owners that a reasonable accommodation has been granted and that such approval shall terminate when the disabled individual vacates the premises or no longer requires the accommodation, or upon sale of the property.

APPROVAL of this Reasonable Accommodation shall be subject to the following conditions:

1. That the reasonable accommodation (fence within the street-front setback) shall continue to be used and maintained by the individual with a disability for the duration of their tenancy in the dwelling. This approval shall be terminated at such time as the individual for whom the permit was granted no longer resides at the property, or no longer requires the reasonable accommodation. The reasonable accommodation shall be removed within 60 days of the termination of the tenancy, in accordance with GMC 30.41.070.
2. That the development shall be in substantial accord with the plans submitted with the application except for any modifications as may be required to meet specific Code standards or other conditions stipulated herein to the satisfaction of the Community Development Department.

3. That all necessary permits 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.
4. Prior to any issuance of any permits relative to this approved reasonable accommodation (PRACCOM 1803188), the applicant shall record a covenant in the County Recorder's Office acknowledging and agreeing to comply with the terms and conditions established in the decision, including the fence along the front property line in the street-front setback area upon the sale of the property, or when the individual no longer resides at the property, or if the accommodation is no longer essential for the individual.
5. That the reasonable accommodation permit may be terminated by the review authority upon any interruption or cessation of the reasonable accommodation use for one year or more in the continuous exercise in good faith or such right or privilege.

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 **May 11, 2018** 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.

The rights and privileges granted by this Reasonable Accommodation will expire two years from the date of this grant unless exercised in good faith prior to such time.

If you should have any questions regarding this matter, please do not hesitate to contact the case planner, Vista Ezzati, at 818-937-8180 or vezzati@glendaleca.gov.

Sincerely,



Philip Lanzafame
Director of Community Development

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