



**CITY OF GLENDALE, CALIFORNIA**  
Community Development  
Planning

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September 14, 2022

Herb Wedekind  
2441 Honolulu Avenue, Suite 126  
Montrose, CA 91020

&

Kevin Hollon  
Owner  
3915 Altura Avenue  
Glendale, CA 91214

**RE: 3915 ALTURA AVENUE  
PVAR 2208080**

Dear Sirs:

On August 17, 2022, the Planning Hearing Officer conducted and closed a public hearing, pursuant to the provisions of the Glendale Municipal Code, Title 30, Section 30.43, Variances, requesting the approval of standards and setback variances for a 14-foot, 10-inch street front setback and 14-foot, 10-inch driveway length along the northwest side of an existing 1,128 square-foot one-story, single-family residence in association with a project which includes a 2,228 square-foot addition and a new 891 square-foot garage on a 17,860 square-foot lot, located at **3915 Altura Avenue**, zoned "R1" (Low Density Residential), Floor Area Ratio District II, described as Lot 4, Record of Survey Book 55 Page 34 / APN: 5604-008-042, in the City of Glendale, County of Los Angeles.

**CODE REQUIRES**

- (1) A minimum 25 feet street front setback (GMC 30.11.030 Table 30.11 B).
- (2) A driveway with a minimum of 20 feet in length from the back of the property line (GMC 30.32.130(G)(4)).

**APPLICANT'S PROPOSAL**

Complete construction of a project that included a 2,228 square-foot addition, and an 891 square-foot garage with:

- a. Reduction of the required front setback standards to 14 feet, 10-inches.
- b. Reduction of the required driveway length standards to 14 feet, 10-inches.

### ENVIRONMENTAL DETERMINATION

The project is exempt from environmental review as a Class 1 "Existing Facility" pursuant to Section 15301 of the State CEQA Guidelines because the proposed addition to the existing house will not result in an increase of more than 10,000 square feet and the project is in an area where all public services and facilities are available and is not located in an environmentally sensitive area.

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

**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 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 because if the applicant were to comply with the minimum 25-foot street front setback requirement, the garage would be required to be pushed north approximately 10 feet, 2-inches resulting in a redesign that would cause the garage to encroach into the 10-foot drainage easement, or create an interior garage dimension less than the minimum 20-foot depth rendering the garage unusable to park cars as intended. In either case, significant redesign of the residence would result. Potential locations for the garage (ad hoc the addition) are significantly constrained due to the triangular lot shape, drainage easement and two protected trees located in the side and rear of the lot, and would result in extensive changes to the design of the house. The purpose of the street front setback is to allow the house and neighboring properties open space, light and ventilation. The proposed street front setback will not impede on neighboring properties as both interior setbacks meet the required dimension. The design of the addition had been approved through the administrative design process. During that process, it was determined that the site planning would not disrupt the prevailing setback of the street.

The variance request will also allow a reduction in the required driveway length to 14 feet, 10-inches. If the applicant were to comply with the minimum 20-foot driveway length requirement, the garage would be required to be pushed north approximately 5 feet, 2-inches. While the resulting interior dimension would meet the code-required length for a garage, such a change would result in a redesign of the house in this area. The purpose of the parking ordinance is to ensure sufficient off-street parking to minimize parking congestion on public streets. The proposed three car garage will serve the required number of

parking spaces for the approved addition. The non-conforming driveway length will provide for temporary parking of cars and adequate ingress and egress into the proposed garage.

**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 or conditions applicable to the property involved or to the intended use, a single-family dwelling, because the lot is triangular in shape, has a 10-foot wide drainage easement, and has two protected oak trees on the lot, all of which limit the potential locations for the garage and addition. Given the unique constraints of the property, the current design for the garage and addition is the most appropriate.

As mentioned earlier, the site is triangular in shape, with a 10-foot wide drainage easement, and two oak trees located on the property. All of these site constraints limit potential locations to provide the required minimum driveway length. Of note is the potential locations for the driveway are especially limited due to the location of the drainage easement and protected oak trees at the interior setback in the northwest of the property. While the location of the original house along with the approved additions could accommodate a new garage and a driveway location (the building setback is 13 feet), the dripline of a protected oak tree is located here. This tree would need to be removed to allow construction of the driveway. Additionally, a driveway at that location would necessitate a garage at the rear of the property, which is constrained by a second protected oak tree at the rear. Any other modifications would result in a complete redesign of the project and additional complications due to the aforementioned site constraints.

**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 existing house is a permitted use and consistent with the zoning designation. The project will not conflict with adjacent residential uses to the north, south, east, and west as it will remain as a single-family house. The 2,228 square-foot addition complies with interior setback requirements, with the closest distance measured at 15 feet from the west property line. The addition's corrected street front setback for the one-story house will not compromise the design of the subject house or the neighboring properties open space, light and ventilation. The project has already received design review approval, ensuring that the project is compatible with the

surrounding properties. During the design review process, the neighborhood development pattern was analyzed. As such, the one-story addition was determined to be appropriate for the lot size.

The objective of the Zoning Code is to protect the character of the neighborhood and ensure compatible development. The granting of the variance will allow reasonable use of the existing property for the expansion of the existing single-family residence to meet the family's needs. Granting of the variance will also be consistent with the objectives of the ordinance because all other Zoning Code regulations will be complied with, including but not limited to, floor area ratio, lot coverage, height, landscaped open space, and number of parking spaces. Additionally, other houses in the neighborhood were granted variances for reduced street front setbacks or have been documented as having non-conforming street front setbacks.

The proposed street front setback is in keeping with previously approved variances for setbacks and existing setbacks for other houses in the neighborhood. There have been numerous variances granted for the approval of reduced street front setbacks since 1959, as well as evidence of non-conforming street front setbacks, on Altura Avenue, Hamilton Lane and Boston Avenue. During the design review process of the project, neighborhood compatibility was analyzed. It was determined that the subject property would complement neighborhood properties through the use of proportion and transition in the garage. Redesigning the garage will not be possible due to site constraints, noted above.

The location of the garage is similar to other houses in the neighborhood and to the original design of the house. As mentioned, the driveway is extended in length by the existing 15-foot street improvement edge, allowing additional distance between the public street and the front of the garage. The design of the driveway was evaluated as part of the administrative design review process and will be decorative concrete with a sand finish, relating to the color scheme of the building. Many houses in the vicinity have street facing attached garages, and both the front of the garage and design of the driveway will be compatible with the neighborhood context. Two letters were submitted opposing the variance requests. One letter expressed concern regarding insufficient space for parking in the driveway and the other letter expressed concerns regarding pollutants emitted from the site associated with construction activity, and the possible affects the proposed one-story addition could have on the neighbor's existing fence, light, and open space between structures. There were also numerous letters received in support of the variance requests. The project complies with required parking per zoning regulations. The proposed three car garage will serve and exceed the required number of parking spaces for the approved addition per the Zoning Code. The reduced driveway length will provide for temporary parking of cars and adequate ingress and egress into the proposed garage, given the deep street improvement edge. Pollutants emitted from the

site during construction activity are temporary and short-term in nature. As part of the proposed project, the applicant would be required to adhere to conditions under the National Pollutant Discharge Elimination System (NPDES) and incorporate Best Management Practices (BMPs) during construction. As previously indicated, the addition's corrected street front setback for the one-story house will not compromise the neighboring properties open space, light and ventilation. The existing 15-foot interior setback along the west property line will remain unchanged and the project proposes a 10-foot interior setback along the east side, which exceeds the minimum 6-foot interior setback required by the zoning code, and the existing fence on the neighbor's property would not be impacted as a result of the proposed project.

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

The objective of the setback ordinance is to allow the house and neighboring properties open space, light and ventilation. The location of the garage and addition will allow the preservation of two existing on-site oak trees, open space and existing site characteristics. As noted earlier, there are a number of houses within the surrounding neighborhood that have either been granted variances for reduced street front setbacks or are documented as having a non-conforming street front setback. Given the lack of available space on the lot due to its irregular shape, 10-foot wide easement and two oak trees, the approved design for the addition best achieves the objectives of the setback ordinance. Approval of the variance for street front setback length will allow reasonable flexibility in land use for the site.

The objective of the parking ordinance is to ensure sufficient off-street parking to minimize parking congestion on public streets. There will be three enclosed parking spaces, providing sufficient parking for the house. The only purpose of the driveway is for entering and exiting the garage, therefore, granting the variances for a reduced street front setback and reduced driveway length will not be contrary to the objectives of the Zoning Code.

**CONDITIONS OF APPROVAL**

- 1) That the development shall be in substantial accord with the plans presented in conjunction with the application, except any modifications as may be required to meet specific Code standards or other conditions stipulated herein to the satisfaction of the Community Development Department
- 2) That 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) That separate permits shall be obtained for all work within the public right-of-way. The applicant shall bear all fees for the necessary permits and construction inspection for work within the public right-of-way.
- 4) That the project shall comply with all National Pollutant Discharge Elimination System (NPEDES) requirement, including Notice of Intent with the Los Angeles Regional Water Quality Control Board, and the submittal and certification of plans and details showing preconstruction, during construction and post-construction Best Management Practices (BMPs) that are integrated into the design of the project.
- 5) That if any buildings, sidewalks, curb or gutter, fencing or landscape areas, etc., adjacent to the site area are damaged during the course of construction on public or private property, the damage shall be repaired to the satisfaction of the Planning Hearing Officer for private property and the Director of Public Works for public property.
- 6) That any proposed exterior lighting shall be directed onto the driveway, walkways and parking areas within the development and away from adjacent properties and the public right-of-way to the satisfaction of the Planning Hearing Officer.
- 7) That landscaping areas shall be maintained in good condition with live plants and free of weeds and trash.
- 8) That the two oak trees be preserved and tree protection measures be implemented in accordance with the applicant's Indigenous Tree Report dated March 2016 and the Indigenous Tree Permit dated April 2016.
- 9) That the applicant complies with all Conditions of Approval as indicated in the July 10, 2017 Director of Community Development Decision for the approval of Administrative Design Review Case No. PDR 1701363.
- 10) That any expansion or modification of the dwelling unit which is different than what is represented as part of this Variance approval shall require a new application as determined by the Planning Hearing Officer.
- 11) That the applicant shall consult with Glendale Water and Power and Los Angeles County Flood Control in regards to existing easements and building clearances required in relation to the existing power poles/lines and drainage easements located on the subject and adjacent lot.
- 12) That any gate/fence proposed for the property be setback the required 25 feet from the street front property line.

## **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. Appeals must be filed prior to expiration of the 15-day period, on or before **SEPTEMBER 30, 2022**. Information regarding appeals, appeal forms and fees may be obtained by calling the Community Development Department (CDD) staff at 818-548-2140, or the case planner at 818-937-8186.

### **APPEAL FORM is also available on-line:**

<https://www.glendaleca.gov/home/showdocument?id=11926>

## **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.

### **REVOCAION**

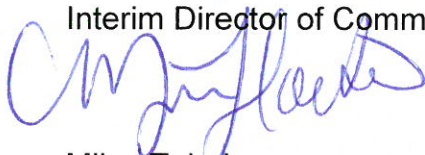
Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over Variances. To consider the revocation, the Director of Community Development shall hold a public hearing after giving notice by the same procedure as for consideration of a Variance at least ten (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, Sadie Gropen, during normal business hours at (818) 937-8178 or via e-mail at [sgropen@glendaleca.gov](mailto:sgropen@glendaleca.gov).

Sincerely,  
John Takhtalian  
Interim Director of Community Development



Milca Toledo  
Senior Planner

MT:SG:sm

CC: City Clerk (K.Cruz); Police Dept. (J.Newton/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section-(S.Demirjian/F.McLean); Traffic & Transportation Section (P.Casanova/Mark Bueno-Traffic Engineer Assoc.); General Manager for Glendale Water and Power (M.Young); Glendale Water & Power--Water Section (G. Tom/S.Boghossian/R.Takidin/ C.Babakhanlou/D.Scorza); Glendale Water & Power--Electric Section (B. B.Ortiz/E.Olsen/ M.Navareete/M.Kouassi); Parks, Recreation and Community



Services Dept. (T. Aleksanian); Neighborhood Services Division (R.Sada/J.Jouharian/); Integrated Waste Management Admin. (D. Hartwell); Maintenance Services Section Admin. (D. Hardgrove); Street and Field Services Admin.; Engineering and Environmental Management (C.Chew/R. Villaluna); T.Avedissian; S.Bolan; C.Jurca; J.&M Ann Kroening; C.&S.Lee; G.Michals; D.Mo &M.Gershman; T.Govind&H.Patel; R.Rezvan; D.Scott; R.A.&K.A. Sill; E.&J.Strom; T.&D.Sundbye; A.D.Weinfield; R.Werner ; and case planner– Sadie Gropen.