

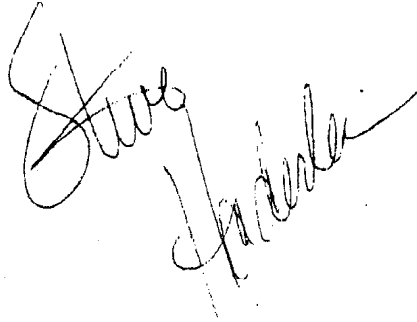
**Rodriguez, Jane**

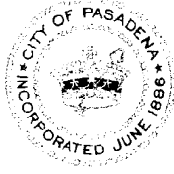
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**From:** Jane and Steve Haderlein [haderlein@earthlink.net]  
**Sent:** Monday, December 01, 2003 7:28 PM  
**To:** Jane Rodriguez  
**Cc:** richard.A.Janisch@marsh.com  
**Subject:** Call for review

I am requesting that Variance No. 11455 (3074 East California Boulevard) be called up for review. Please place this item on a City Council agenda at the earliest possible time. I will fax a copy of this request to you tonight (12/1).

Steve Haderlein





PLANNING & DEVELOPMENT DEPARTMENT  
PLANNING DIVISION

November 21, 2003

Edward & Wendee Nigolian  
3074 E. California Boulevard  
Pasadena, CA 91107

**RE: Variance #11455  
3074 East California Boulevard  
Council District #4**

Dear Mr. And Mrs. Nigolian:

Your application for a **Variance at 3074 East California Boulevard**, was considered by the **Zoning Hearing Officer** on **November 19, 2003**.

**VARIANCE: To allow a fence in the front yard that exceeds the maximum height, and Variance: To allow an addition to encroach into the required 25-foot rear yard set back.**

After careful consideration of this application, and with full knowledge of the property and vicinity, the Zoning Hearing Officer made the findings as shown on Attachment A to this letter.

Based upon these findings, it was decided by the Zoning Hearing Officer that the Variances be **approved** in accordance with submitted plans stamped **November 19, 2003**. The conditions listed in Attachments B and C were made a part of the approval.

In accordance with Section 17.80.050 of the Pasadena Municipal Code, the exercise of the right granted under this application must be commenced within two years of the effective date of the approval, unless otherwise specified in the conditions of approval. The Zoning Administrator can grant a one-year extension of your approval. Such a request and the appropriate fee must be received before the expiration date. The right granted by this approval may be revoked if the entitlement is exercised contrary to the conditions of approval or if it is exercised in violation of the Zoning Code.

Variance #11455

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You are advised that an application for a building permit is not sufficient to vest the rights granted by this approval. The building permit must be issued and construction diligently pursued prior to the expiration of this approval. It should be noted that the time frame within which judicial review of the decision must be sought is governed by California Code of Civil Procedures, Section 1094.6

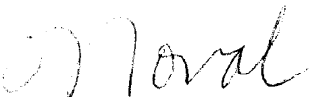
You are hereby notified that, pursuant to Pasadena Municipal Code Chapter 17.104, any person affected or aggrieved by the decision of the Zoning Hearing Officer has the right to appeal this decision within **ten days (December 1, 2003)**. The effective date of this case will be **December 2, 2003**. Prior to such effective date, a member of the City Council or Planning Commission may stay the decision and request that it be called for review to the Board of Zoning Appeals. However, if the tenth day falls on a day when City offices are closed, the appeal deadline shall be extended through the next day when offices are open. The decision becomes effective on the eleventh day from the date of the decision. The regular Appeal fee is \$1,505.71. The Appeal fee for Non-profit Community-based Organizations pre-registered with Neighborhood Connections is \$752.85.

Any permits necessary may be issued to you by the Building Division on or after the effective date stated above. A building permit application may be submitted before the appeal deadline has expired with the understanding that should an appeal be filed, your application may, at your expense, be required to be revised to comply with the decision on the appeal. **You should call the Current Planning office at 626-744-6777 to find out if any appeal or call for review has been filed before you submit your building permit application.** A copy of this letter must be attached to all plans submitted for building permits.

This project has been determined to be Categorically Exempt (Class 1) from environmental review pursuant to the guidelines of the California Environmental Quality Act, CEQA (Section 15301), Existing Facilities.

For further information regarding this case please contact **Ariel Socarras at (626) 744 - 7101.**

Sincerely,



Paul Novak  
Zoning Hearing Officer

Enclosures: Attachment A, Attachment B, Attachment C

**Variance #11455**

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xc: City Clerk, City Council, Building Division, Public Works, Power Division, Water Division, Design and Historic Preservation, Hearing Officer, Code Enforcement-Ellen Clark, Case File, Decision Letter File, Planning Commission (9)

**ATTACHMENT A**  
**FINDINGS FOR VARIANCE #11455**

Variance: Rear Yard.

1. *There are exceptional or extraordinary circumstances or conditions applicable to the development site that do not apply generally to sites in the same zoning district* in that the existing lot is an irregular shaped lot that lost a portion of its California Boulevard frontage in a past subdivision that resulted in the alteration of the application of the Zoning Code's definitions for front and corner property lines. When the property was originally subdivided and developed with the existing single-family residence, Galin Way was used as the front property line and California Boulevard was the corner property line.
2. *Granting the application is necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship* in that granting of the Variance is necessary for the preservation of a substantial property right. Strict application of the development standard for a rear yard setback would preclude the applicant from constructing the proposed addition in a manner that would have been approved if not for the past subdivision of the property that resulted in the loss of California Boulevard frontage. As conditioned, the resulting addition will comply with the floor area, side yard, height, and encroachment plane requirements of the RS-6 district.
3. *Granting the application will not be detrimental or injurious to property or improvements in the vicinity of the project site, or to the public health, safety, or general welfare* in that the building addition has been designed in a manner that will not alter or disrupt the character of the existing home or neighborhood. The subject site is located in a residentially zoned area, and single-family residences are not known to be detrimental or injurious.
4. *Cost to the applicant of strict compliance with a regulation is not the primary reason for the granting of the variance* in that the cost to the applicant of complying with the city's development standards has not been considered a factor at any time throughout the review of this application.

Variance: Fence Height.

5. *There are exceptional or extraordinary circumstances or conditions applicable to the development site that do not apply generally to sites in the same zoning district* in that adjacent to the lot is a fully landscaped, twelve-foot parkway. As a result, the location of the proposed fence will be twelve feet from the actual curb line and will meet the intent of the Zoning Code to not have fences taller than 4 feet high on the street frontage. One of the purposes of this standard is to allow for visibility. The location of the proposed fence achieves this purpose.
  6. *Granting the application is necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship* in that granting of the Variance is necessary for the preservation of a substantial property right. Strict application of the development standard for fence height in the front yard would preclude the applicant from erecting the fence at the proposed location. Pursuant to the Zoning Code, the maximum height of a fence along the California Boulevard frontage is 4 feet. Because of a past subdivision, the California Boulevard frontage changed from being a corner yard to a front yard. Based on the configuration of the lot, its relation to adjacent properties, and the existing development, the California Boulevard frontage should be considered the corner yard. Based on this, and the existence of a twelve-foot fully landscaped parkway the location of the fence will be approximately twelve
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feet from the curb line. Thus, meeting the intent of the development standards for fences on corner properties.

7. *Granting the application will not be detrimental or injurious to property or improvements in the vicinity of the project site, or to the public health, safety, or general welfare* in that the fence has been designed in a manner that will not alter or disrupt the character of the existing home or neighborhood. The subject site is located in a residentially zoned area, and single-family residences are not known to be detrimental or injurious.
8. *Cost to the applicant of strict compliance with a regulation is not the primary reason for the granting of the variance* in that the cost to the applicant of complying with the city's development standards has not been considered a factor at any time throughout the review of this application.

**ATTACHMENT B**  
**CONDITIONS FOR VARIANCE #11455**

The applicant or successor in interest shall meet the following conditions:

1. The site plan, floor plan, and building elevations submitted for building permits shall substantially conform to plans submitted with this application and stamped, "Received at Hearing November 5, 2003", except as modified herein.
  2. The applicant shall comply with all the standards of the Zoning Code applicable to the RS-2 zoning district, with the exception of the two Variances granted through this approval.
  3. The 640 square foot addition shall be one-story, shall be setback from the south property line a minimum of ten (10) feet, and shall be setback from the east property line a minimum of twenty-five (25) feet.
  4. No fencing in front of the front building line (west elevation) shall be taller than 4'-00" in height.
  5. This approval is for a 5'-5" high fence to be erected on the property line fronting onto California Boulevard beginning at the easterly property boundary and continuing to a point that aligns with the west building elevation, at which the fence will turn and continue until meeting the northwest corner of the residence. Any additional fencing on the property shall comply with the fence standards for the RS-2 zoning district.
  6. These conditions of approval shall be incorporated into the plans submitted for plan check.
  7. The proposed project, Case Number **PLN2003-00241**, shall meet the conditions of approval subject to a Final Zoning Inspection. A Final Zoning Inspection is required for your project prior to the issuance of a Certificate of Occupancy. Contact the Code Compliance Staff at (626) 744-4633 to schedule an inspection appointment time.
  8. The applicant or successor in interest shall meet the applicable code requirements of all other City Departments.
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## ATTACHMENT C

### MEMORANDUM - CITY OF PASADENA DEPARTMENT OF PUBLIC WORKS

**DATE:** October 22, 2003

**TO:** Denver Miller, Zoning Administrator  
Planning and Development Department

**FROM:** City Engineer  
Department of Public Works

**RE:** Variance No. 11455 (Amended)  
3074 East California Boulevard

The Department of Public Works has reviewed the application for Variance No. 11455 at 3074 East California Boulevard. The applicant is requesting a variance to allow for a fence in the front yard that exceeds the maximum allowable height, and to construct a one-story 640 square-foot addition to an existing single-family residence that will encroach into the required rear yard. The approval of this variance should be based upon satisfying all of the following conditions:

1. The applicant shall close any unused drive approach with standard concrete curb, gutter and sidewalk and shall repair any existing or newly damaged curb, gutter and sidewalk, avoiding any damage to existing street trees and using the City's Tree Protection Standards available from the Parks and Natural Resources Division (744-4514), along the subject frontage prior to the issuance of a Certificate of Occupancy.
  2. Excavations in the street for utility connections shall be as close as possible to each other and the pavement shall be restored contiguously between extreme excavations.
  3. The project shall comply with the Tree Protection Ordinance (TPO) that provides protection for specific types of trees on private property as well as all trees on public property.
  4. The applicant shall comply with the current NPDES (National Pollutant Discharge Elimination System) Permit requirements for Development Planning and Development Construction through the Planning and Development Department of the City.
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Denver Miller, Zoning Administrator

Variance No. 11455 (Amended)

October 22, 2003

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5. Past experience has indicated that projects such as this tend to damage the abutting street improvements with the heavy equipment and truck traffic that is necessary during construction. Additionally, the City has had difficulty in requiring developers to maintain a clean and safe site during the construction phase of development. Accordingly, the applicant shall place a \$2,000 deposit with the Department of Public Works prior to the issuance of a building or grading permit. This deposit is subject to refund or an additional billing, and is a guarantee that the applicant will keep the site clean and safe, and will make permanent repairs to the abutting street improvements that are damaged, including striping, slurry seal/resurfacing, curb, gutter, and sidewalk, either directly or indirectly, by the construction on this site.
6. Prior to the start of construction or the issuance of any permits, the applicant shall meet with the Department of Public Works Permit Inspection Supervisor for review and approval of construction staging, parking, delivery and storage of materials, and any of the specifics that will affect the public right-of-way.
7. All costs associated with these conditions shall be the applicant's responsibility. Unless otherwise noted in this memo, all costs are based on the General Fee Schedule that is in effect at the time these conditions are met.



DANIEL A. RIX  
City Engineer

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