



**COMMUNITY
DEVELOPMENT**

July 10, 2025

EDGAR MARKOSYAN
225 E BROADWAY SUITE 102B
GLENDALE, CA 91205

Via email: info@arctsem.com

**RE: PROJECT NO. 25-0001538 – MINOR EXCEPTION TO A SIDE YARD SETBACK
DETERMINATION OF APPLICATION: APPROVED
Located at 436 Tufts Avenue, Burbank, CA 91504**

Dear Edgar Markosyan,

The City of Burbank has reviewed and approved your request for the above-referenced Minor Exception to Setback to allow a side-yard encroachment for a new addition of 270 square feet to an existing single-family residence. The applicant proposes a 1-foot encroachment into the required side-yard setback of 6-feet at an overall length of 11 feet and 9 inches. The proposal meets all of the findings and requirements for approval contained in Burbank Municipal Code Section 10-1-1810.5. Enclosed are the required Findings, Conditions of Approval and Approved Plans.

Please be advised that the decision of the Community Development Director will become final fifteen (15) days from the date of this letter unless the decision is appealed to the Planning Board within fifteen (15) days. Any appeal of the Director's decision must be submitted to the Planning Division with the applicable filing fee prior to the expiration of the fifteen (15) day appeal period, or **5:00 p.m. on Friday, July 25, 2025.**

If you have any questions concerning this letter, please call me at (818) 238-5250.

Sincerely,

Ryan Allen-Esquivel
Assistant Planner

Enc: 1. Minor Exception to a Side Yard Setback Findings
2. Conditions of Approval
3. Approved Plans

Cc: Alexander Khanyan, Property Owner
436 Tufts Avenue, Burbank, CA 91504
alexanderkhanyan@yahoo.com

FINDINGS

**PERMIT NO. 25-0001538
MINOR EXCEPTION TO A SIDE YARD SETBACK
(436 Tufts Avenue – Edgar Markosyan, Applicant)**

The Community Development Director finds the proposed project satisfies the requisite findings per Section 10-1-1810.5 contained in the Burbank Municipal Code necessary for approval of the Minor Exception to a Side Yard Setback Permit, subject to the attached conditions of approval.

1. *The non-conforming minor addition, alteration or other minor non-conforming work is necessary for one or more of the following reasons: a) the work is necessary to reduce a hazard or safety problem identified by a government official charged with identifying such hazards or problems; b) the work is necessary to maintain or improve the aesthetic appearance or architectural viability of the structure; or, c) requiring the alteration or addition to conform strictly to the requirements of Section 10-1-1810 would unreasonably add to the cost of construction.*

Pursuant to Burbank Municipal Code (“BMC”) Section 10-1-603(A) the required side-yard setback for interior lots in the R-1 (Single-Family Residential) zone is 10% of the lot width. Therefore, the required side setback for the 60’-0” wide lot is 6’-0”. The existing wall of the residence is 4’-11” from the southwestern property line. Requiring the addition to conform to the required 6’-0” side-yard setback would compromise the aesthetic appearance of the existing structure by requiring the applicant to set back the addition to the existing residence an additional 1’-1”, which would create inconsistencies with the existing footprint of the building. Allowing the applicant to encroach into the required side setback would ensure a uniform aesthetic that would maintain the architectural viability of the main dwelling and would not increase the nonconformity.

2. *The alteration or addition will not increase the height or number of stories of the existing non-conforming structure, and any non-conforming additions are of equal or lesser height than the existing structure.*

The portion of the addition which falls within the required side-yard setback area is proposed to be built to the same height as the adjacent portions of the residence within the side setback area. The project will not alter the existing height of the residence within the required side setback. The remaining portions of the addition will meet required setbacks as required by BMC Section 10-1-603.

3. *The alteration or addition will not result in any decrease of the existing setback or otherwise increase the degree of non-conformity of the existing structure or create a new non-conformity.*

There will not be any change to the nonconformity of the existing walls of the residence. The wall of the existing residence on the southwestern elevation is 4'-11" from the side property line, and the proposed addition would continue the existing 4'-11" setback. The existing non-conformity would not be increased by allowing the addition to encroach into the required side setback to the same extent as the existing building, and the addition will be built to the same height as the existing nonconforming portions of the residence.

4. *Windows, doors, wall covering and roof materials, and other architectural features of the alteration or addition will be consistent with the remainder of the structure.*

The proposed addition matches the existing architectural features of the single-family residence in terms of exterior colors, materials, and the style of windows and doors.

5. *The alteration or addition will not degrade the appearance or architectural quality of the structure.*

The addition to the residence does not increase the existing nonconformity. Both the proposed 1'-1" encroachment of the addition into the required 6'-0" southwestern side-yard setback, as well as the height of the proposed addition, are consistent with the adjoining portions of the residence, and the view from the street will essentially remain unaffected. The proposed alterations will maintain the architectural style of the existing residence by using matching materials and will not deviate from the overall mass and bulk of the existing residence. The proposed additions will not degrade the appearance or architectural quality of the single-family residence.

6. *The alteration or addition as proposed will not have unnecessary or unreasonable detrimental impacts to neighboring properties or structures including but not limited to impacts to light and sunlight, air circulation, privacy, scenic views or aesthetics.*

The proposed alteration will not cause neighboring properties to experience impacts from light or glare, sunlight exposure, air circulation, privacy, or aesthetics. The addition to the single-family residence will not be constructed of materials that generate unreasonable light or glare and will not prevent access to sunlight or air circulation to neighboring properties. The proposed addition is located along the rear end of the building side and will not be located any closer to the neighboring properties than the existing residence along the southwestern side property line.

CONDITIONS OF APPROVAL

PERMIT NO. 25-0001538 MINOR EXCEPTION TO A SIDE YARD SETBACK (436 Tufts Avenue – Edgar Markosyan, Applicant)

CDD - PLANNING DIVISION

1. Project No. 25-0001538 (Minor Exception to Side Yard Setback) approves the reduction of the required setback for an addition to a single-family residence located at 436 Tufts Avenue. The addition is allowed to encroach 1'-1" into the required 6'-0" southwestern side-yard setback area. The proposed addition will continue the existing 4'-11" side-yard setback and the same height as the adjoining portions of the residence. This permit is granted for the plans stamped approved July 10, 2025, on file with the Planning Division. The project shall conform to the plans, except as otherwise specified in these conditions. Construction on the site shall remain in substantial conformance with the request and with the application materials submitted by the applicant and placed on file in the office of the Planning Division.
2. This permit shall expire if the scope of work is not initiated within one year of the date of this approval (expires on July 10, 2026), or the final decision following an appeal, unless the Property Owner has diligently developed the proposed project as shown by the issuance of a grading, foundation, or building permit and the construction of substantial improvements. Any period of time during which the project is subject to a legal challenge shall not count towards the expiration date.
3. The project shall comply with all applicable development standards of the R-1 zone, unless otherwise specifically modified by this approval. This approval authorized a modification to the required side yard setback for an addition that continues a nonconforming side setback, as shown on the approved plans.
4. The applicant shall comply with all Federal, State, and local laws. Violation or conviction of any of those laws in connection with the use will be cause for revocation of this permit.
5. The applicant shall submit plans with dimensioned setbacks consistent with the submitted stamped survey from a licensed surveyor.
6. Plans submitted by Developer with building permit applications shall show on the building elevation sheets all exterior building materials and colors, including product and finish manufacturer name, color name and number, and surface finish type (such as: stucco with sand finish, plaster with smooth finish) to be used in construction.

7. The applicant shall list these conditions of approval in all construction plans submitted to the Building Division for a building permit. The applicant shall also provide a separate written document outlining how, or where, each of the conditions have been addressed in the building permit plan set for all City Division/Department conditions enclosed and provide the same number of copies as plan sets submitted for Building Plan Check.
8. Pursuant to Burbank Municipal Code (BMC) Section 10-1-19401, the Applicant, including their successors and assignees, shall defend, indemnify, and hold harmless the City of Burbank (the City) and its agents, officers, employees, agencies, boards, commissions, or City Council from any claim, action or proceeding brought against the City, its agents, officers, employees agencies, boards, commissions, or City Council to attack, set aside, void or annul the subject approval and environmental determination under the California Environmental Quality Act or National Environmental Policy Act by the City, its agents, officers, employees, agencies, commissions, or City Council. The indemnification shall include damages awarded against the City, if any, cost of suit, attorney's fees, administrative expenses, and other costs and expenses incurred in connection with such action, including, but not limited to, all such City costs and expenses incurred by enforcing this indemnification provision. This duty to defend, indemnify, and hold harmless the City and its agents, officials, employees, agencies, boards, commissions, or City Council shall apply even if the applicant fails or refuses to enter into the indemnification agreement. In the event of a legal challenge, the provisions under BMC Section 10-1-19402 shall be followed.

CDD - BUILDING & SAFETY DIVISION

1. All projects shall comply with Title 9, Chapter 1, of the Burbank Municipal Code, and the **2022 edition** of the California Building Code, California Residential Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards and Building Energy Efficiency Standards, including all intervening Code Cycles.

The 2022 California Building Standards Code is applicable to projects that submit a building permit application on or before December 31, 2025. The 2025 California Building Standards Code is applicable to projects that submit a building permit application on or after January 1, 2026.

2. The fire-resistance rating for any dwelling or accessory building less than 5ft from the property line shall be 1-hour. The wall shall be rated for exposure from both sides. [CRC Table R302.1 (1)].
 - a. Provide UL or equivalent testing authority number for exterior wall type
 - b. Interior finish material of 5/8" Type 'X' gypsum board is required.
 - c. Exterior finish material must be called out and fire rating information must be provided

3. Exterior walls located less than 3ft minimum fire separation distance (i.e. Property Line, adjacent buildings on same property) shall be:
 - a. 1- hour rated construction with exposure from both sides
 - b. Shall have no openings
4. Exterior walls located with 3ft to 5 ft minimum fire separation distance (i.e. Property Line, adjacent buildings on same property) shall be:
 - a. 1- hour rated construction with exposure from both sides
 - b. Shall have 25% maximum square footage of wall area openings
 - c. Projections greater than or equal to 2ft to less than 5ft min fire separation distance shall be 1-hr rated on the underside for nonsprinklered building [per CRC Table R302.1 (1)].