

RESOLUTION NO. 201055 OCT 20 1970

WHEREAS, DONALD A. and PATRICIA BRENNAN, Owner, "Applicant," filed an application for a variance under Zoning Administrator Case No. 9994 to construct and maintain a bedroom and garage addition at 5556 Barclay Avenue, on Lot 1604, Allied Gardens No. 6, Map No. 3293, in the R-1-5 Zone; and

WHEREAS, the Assistant Zoning Administrator of The City of San Diego held a public hearing on Zoning Administrator Case No. 9994 pursuant to Section 101.0503 of the San Diego Municipal Code on July 24, 1970, and denied the variance as requested, but granted a variance subject to certain special conditions set forth therein, which decision was filed in the office of the City Clerk on July 31, 1970; and

WHEREAS, Donald A. and Patricia Brennan appealed the decision of the Assistant Zoning Administrator to the Board of Zoning Appeals pursuant to Section 101.0507 of the San Diego Municipal Code; and

WHEREAS, the Board of Zoning Appeals on September 9, 1970, upheld the decision of the Assistant Zoning Administrator pertaining to lot coverage, but reversing said Assistant Zoning Administrator's decision in regard to side yard and eave yard requirements and granted the variance and filed the same in the office of the City Clerk on October 14, 1970; and

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WHEREAS, pursuant to the provisions of Section 101.0507.1 of the San Diego Municipal Code, Warren A. and Marian L. Snow filed an appeal from the decision of the Board of Zoning Appeals to the City Council on September 25, 1970; and

WHEREAS, said appeal was set for public hearing and was heard on October 20, 1970, testimony having been heard and evidence having been submitted and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, as follows:

All of the following facts exist with respect to the granting of a variance that allows Applicant to construct and maintain a bedroom and garage addition allowing 41 1/2% lot coverage where 40% is permitted and a 3'7" interior side yard where 4' is required and a 2'1" eave yard where 2'6" is required at 5556 Barclay Avenue, on Lot 1604, Allied Gardens No. 6, Map No. 3293, in the R-1-5 Zone:

1. There are special circumstances and conditions applying to the land and buildings for which the adjustment is sought, which circumstances are peculiar to such land and buildings and do not apply generally to the land and buildings in the neighborhood.

2. The circumstances and conditions are such that the strict application of the provisions of the ordinance would deprive the owners of the reasonable use of the land and buildings and the granting of this adjustment is necessary for the reasonable use

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of the land and buildings and the adjustment as granted by the City Council is the minimum adjustment that will accomplish this purpose.

3. The granting of the variance will be in harmony with the general purpose and intent of the ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

4. The granting of the variance will not adversely affect the Master Plan of the City.

The above findings are further supported by the minutes, tape of the proceedings, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the City Council does hereby deny the appeal of Warren A. and Marian L. Snow from the decision of the Board of Zoning Appeals and does hereby grant to DONALD A. and PATRICIA BRENNAN a variance in the form and with the terms and conditions as set forth in the variance attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By

C. Alan Sumption
C. Alan Sumption, Deputy

CAS:srr
10/29/70

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VARIANCE - CITY COUNCIL
Case No. 9994

This variance is granted by the Council of The City of San Diego to DONALD A. and PATRICIA BRENNAN, Owner, "Applicant," for the purposes and on the terms and conditions as set out herein pursuant to the authority contained in Section 101.0503 of the San Diego Municipal Code and related parts thereof and Resolution No. 201055, adopted October 20, 1970 by the City Council of The City of San Diego.

1. Permission is hereby granted to Applicant under Zoning Administrator Case No. 9994 to construct and maintain a bedroom and garage addition to existing single family dwelling resulting in approximately 41 1/2% lot coverage where 40% is permitted, having a 3'7" interior side yard where 4' is required and 2'1" eave side yard where 2'6" is required located at 5556 Barclay Avenue, on Lot 1604, Allied Gardens No. 6, Map No. 3293, in the R-1-5 Zone.

2. Applicant shall fully comply with all the provisions of the San Diego Building Code.

3. Applicant shall remove the storage shed and patio cover.

4. The effectiveness of this variance is expressly conditioned upon and the same shall not become effective for any purpose unless and until the following events shall have occurred:

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a. Applicant shall have agreed to each and every condition hereof by having this variance signed within 90 days of the Council's decision.

b. This variance, executed as indicated shall have been recorded in the office of the County Recorder.

5. This variance shall inure to the benefit of and shall constitute a covenant running with the land, and the terms, conditions and provisions hereof shall be binding upon Applicant and any successor or successors thereto and the interest of any such successor shall be subject to each and every condition herein set out.

6. This variance is not a permit or license, and any permit or license required by law must be obtained from the proper department.

7. In addition to any other remedy provided by law, any breach in any of the terms or conditions of this variance or any default on the part of Applicant or its successors in interest shall be deemed a material breach hereof and this variance may be cancelled or revoked. Cancellation or revocation may be instituted by City or Applicant. The Zoning Administrator shall set the matter for public hearing before the Board of Zoning Appeals giving it the same notice as provided in Section 101.0503 of the San Diego Municipal Code. An appeal from the

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decision of the Board of Zoning Appeals may be taken to the City Council by any interested person within ten days after the decision is filed with the City Clerk. The Clerk shall set the matter for public hearing before the City Council giving the same notice as provided in Section 101.0503.

8. Any zone variance granted by the City shall be null and void and shall be revoked automatically one year after its effective date unless the use or construction permitted, or both, is commenced before said time expires, in accordance with Municipal Code Section 101.0506.

Passed and adopted by the Council of The City of San Diego on October 20, 1970.

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AUTHENTICATED BY:

Mayor of The City of San Diego, California

City Clerk of The City of San Diego, California

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss

On this _____ day of _____, 19____, before me the undersigned, a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared FRANK CURRAN, known to me to be the Mayor, and JOHN LOCKWOOD, known to me to be the City Clerk of The City of San Diego, the municipal corporation that executed the within instrument and known to me to be the persons who executed the within instrument on behalf of the municipal corporation therein named, and acknowledged to me that such municipal corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal, in the County of San Diego, State of California, the day and year in this certificate first above written.

(Notary Stamp)

Notary Public in and for the County
of San Diego, State of California

The undersigned Permittee by execution hereof agrees to each and every condition of this variance and promises to perform each and every obligation of Permittee hereunder.

Donald A. Brennan

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Patricia Brennan

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Acknowledgment

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss

On this _____ day of _____, 19____, before
me the undersigned, a Notary Public in and for said County
and State, personally appeared _____
and _____ known to me to be the persons
whose names are subscribed to the within instrument and
acknowledged to me that said persons executed the within
instrument.

WITNESS my hand and official seal.
(Notary Stamp)

Notary Public in and for the County
of San Diego, State of California

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Passed and adopted by the Council of The City of San Diego on OCT 20 1970,
 by the following vote:

RECEIVED
 CITY CLERK'S OFFICE
 1970 OCT 30 PM 3:24
 SAN DIEGO, CALIF. *EM*

Councilmen	Yeas	Nays	Excused	Absent
Helen Cobb	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam T. Loftin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Landt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Floyd L. Morrow	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Bob Martinet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Allen Hitch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Schaefer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Frank Curran	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

AUTHENTICATED BY:

FRANK CURRAN
 Mayor of The City of San Diego, California.

JOHN LOCKWOOD
 City Clerk of The City of San Diego, California.

By *Carlene Villani*, Deputy. *KR*

(Seal)

Office of the City Clerk, San Diego, California

Resolution Number 201055 Adopted OCT 20 1970

FORM CC-1276 (1-69)

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