

RESOLUTION NO. 201318

NOV 24 1970

WHEREAS, DANIEL R. and DOROTHY J. LEONARD Owner, "Applicant," filed an application for a variance under Zoning Administrator Case No. 10089 to permit moving approximately 73 feet of existing five-foot high wood fence to the property line on Hemingway Avenue where a maximum of three-foot high fence is permitted in the ten-foot street side yard, at 6919 Cibola Road, at the southwest corner of the intersection with Hemingway Avenue, more particularly described as Lot 160, Vista del Cerro Unit No. 3, in the R-1-5 Zone; and

WHEREAS, the Zoning Administrator of The City of San Diego denied the request for said variance, which decision was filed in the office of the City Clerk on August 28, 1970; and

WHEREAS, the Board of Zoning Appeals on October 26, 1970 upheld the decision of the Zoning Administrator under Case No. 10089 and denied the variance and filed the same in the office of the City Clerk on November 4, 1970; and

WHEREAS, pursuant to the provisions of Section 101.0507.1 of the Municipal Code of The City of San Diego, Applicant filed an appeal from the decision of the Board of Zoning Appeals to the City Council on November 2, 1970; and

WHEREAS, said appeal was set for public hearing on November 24, 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,

MICROFILMED

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

That all of the following facts exist with respect to the
denial of the variance to Daniel R. and Dorothy J. Leonard:

1. There are no special circumstances or conditions
applying to the land or building for which the adjustment is
sought, which circumstances or conditions are peculiar to such
land or building and do not apply generally to the land or
buildings in the neighborhood.

This corner lot is rectangular in shape with 72 feet of
frontage on Cibola Road and 107 feet on Hemingway Avenue. The
topography of this and neighboring lots is generally level and
approximately the same grade as the street. Most of the interior
lots in the neighborhood have less width than the one in question,
but some have greater depth. The tier of lots adjacent to the
southeast faces on Hemingway Avenue where a 15-foot front yard
is required and within which a maximum height fence of three
feet is permitted. A 10-foot street side yard is required on
Hemingway Avenue frontage of subject site, and a six-foot high
fence is permitted back of this 10-foot street side yard, five
feet closer to the street than on the neighboring lots.

Due to the curvilinear design of Hemingway Avenue, the
fence, as proposed, with zero feet street side yard would
appear to loom up rather boldly, especially to traffic going
in a northerly direction.

To grant a variance predicated on the reasons advanced by the appellant would virtually nullify the effectiveness of the yard requirements section of the zoning ordinance. There are numerous corner lots in the Vista del Cerro area. There have been no variances granted within the 300-foot area.

2. The strict application of the provisions of the ordinance would not deprive the applicants of the reasonable use of the land or buildings.

3. The granting of the adjustment would not be in harmony with the general purposes and intent of the ordinance and would be injurious to the neighborhood or otherwise detrimental to the public welfare.

4. The granting of this variance would 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 by a vote of 7 to 1 the decision of the Board of Zoning Appeals denying said appeal under Zoning Administrator Case No. 10089 be, and the same is hereby upheld in the same manner and the appeal of DANIEL R. and DOROTHY J. LEONARD is denied.

APPROVED: JOHN W. WITT, City Attorney

By


C. Alan Sumption, Deputy

CAS:srr
12/14/70

NOV 24 1970

Passed and adopted by the Council of The City of San Diego on
by the following vote:

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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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Martinet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Allen Hitch	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mike Schaefer	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Frank Curran	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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.

(Seal)

By Elfr J. Hamel, Deputy. *er*

Office of the City Clerk, San Diego, California

Resolution Number **201318** Adopted **NOV 24 1970**

FORM CC-1276 (1-69)

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