

WHEREAS, RICHARD A. and GRACIA M. PICK, owners, "Applicant," filed an application for a yard variance under Zoning Administrator Case No. 10345 to construct a 5-story, 8-unit apartment building with stairway observing 0' front yard, balconies to observe 3-1/2' front yard, building to observe 6' 6" front yard on Strand Way where 15' are required in Lot A, Block 133, Mission Beach, Map Nos. 1651 and 1809, at 703-709 Liverpool Court, southeast corner at intersection with Ocean Front Walk, in the R-4 Zone; and

WHEREAS, the Zoning Administrator of The City of San Diego held a public hearing on Zoning Administrator Case No. 10345 pursuant to Section 101.0502 of the San Diego Municipal Code on February 26, 1971 and granted a yard variance, which decision was filed in the office of the City Clerk on March 5, 1971; and

WHEREAS, Michael D. Lloyd appealed the decision of the Zoning Administrator to the Board of Zoning Appeals pursuant to Section 101.0504 of the San Diego Municipal Code; and

WHEREAS, the Board of Zoning Appeals on April 12, 1971 upheld the decision of the Zoning Administrator under Case No. 10345, and granted the yard variance and filed the same in the office of the City Clerk on April 21, 1971; and

WHEREAS, pursuant to the provisions of Section 101.0505 of the San Diego Municipal Code, Michael D. Lloyd filed an appeal from the decision of the Board of Zoning Appeals to the City Council on May 3, 1971; and

WHEREAS, said appeal was set for public hearing and was heard on May 25, 1971, and Applicant indicated their request was being reduced from a 5-story, 8-unit apartment building to a 4-story, 6-unit apartment building, 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 yard variance that allows Applicant to construct a 4-story, 6-unit apartment building with stairway observing 0' front yard, balconies to observe 3-1/2' front yard, building to observe 6' 6" front yard on Strand Way where 15' are required in Lot A, Block 133, Mission Beach, Map Nos. 1651 and 1809, at 703-709 Liverpool Court, southeast corner at intersection with Ocean Front Walk, in the R-4 Zone:

1. There are special circumstances or conditions applying to the land or buildings for which the adjustment is

sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to the land or buildings in the neighborhood. Such conditions have not resulted from any act of the applicant subsequent to the adoption of the applicable zoning ordinance.

2. The aforesaid circumstances or conditions are such that the strict application of the provisions of the ordinance would deprive the applicant of the reasonable use of the land or buildings and that the variance granted by the City is the minimum variance that will accomplish this purpose.

3. The granting of the variance will be in harmony with the general purpose and intent of the zoning regulations 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 Progress Guide and General Plan for The City of San Diego.

BE IT FURTHER RESOLVED, that the City Council does hereby deny the appeal of Michael D. Lloyd from the decision of the Board of Zoning Appeals and does hereby grant to RICHARD A. and GRACIA M. PICK a yard 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:cav
6/15/71

VARIANCE - CITY COUNCIL
(Case No. 10345)

This yard variance is granted by the Council of The City of San Diego to RICHARD A. and GRACIA M. PICK, owners, "Applicant," for the purposes and on the terms and conditions as set out herein pursuant to the authority contained in Section 101.0502 of the San Diego Municipal Code and related parts thereof and Resolution No. 202743, adopted May 25, 1971, by the City Council of The City of San Diego.

1. Permission is hereby granted to Applicant under Zoning Administrator Case No. 10345 to construct a 4-story, 6-unit apartment building with stairway observing 0' front yard, balconies to observe 3-1/2' front yard, building to observe 6' 6" front yard on Strand Way where 15' are required in Lot A, Block 133, Mission Beach, Map Nos. 1651 and 1809, at 703-709 Liverpool Court, southeast corner at intersection with Ocean Front Walk, in the R-4 Zone.

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

3. 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:

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.

4. 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.

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

6. 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 101.0502 of the San Diego Municipal Code. An appeal from the 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 101.0502.

7. Any zone variance granted by the City shall be null and void and shall be revoked automatically 18 months after its effective date unless the use or construction permitted, or both, is commenced before said time expires, in accordance with Municipal Code Section 101.0508.

Passed and adopted by the Council of The City of San Diego on May 25, 1971.

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

Richard A. Pick

Gracia M. Pick

Acknowledgment .

STATE OF CALIFORNIA)
) ss
COUNTY OF SAN DIEGO)

On this _____ day of _____, 19____,
before me the undersigned, a Notary Public in and for said County
and State, personally appeared _____

RICHARD A. and GRACIA M. PICK
known to me to be the person(s) whose name(s) is/are subscribed to
the within instrument and acknowledged to me that _____
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

MAY 25 1971

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

RECEIVED
1971 JUN 16 PM 4:58
SAN DIEGO, CALIF.

Councilmen
Helen Cobb
Sam T. Loftin
Henry L. Landt
Leon L. Williams
Floyd L. Morrow
Bob Martinet
Allen Hitch
Mike Schaefer
Mayor Frank Curran

Yeas	Nays	Excused	Absent
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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AUTHENTICATED BY:

(Seal)

FRANK CURRAN
Mayor of The City of San Diego, California.
EDWARD NIELSEN
~~JOHN LOCKWOOD~~
City Clerk of The City of San Diego, California.

By Elfa J. Hamel, Deputy.

Office of the City Clerk, San Diego, California
Resolution Number 202743 Adopted MAY 25 1971