

RESOLUTION NO. 203325  
(Case No. 10421)

AUG 3 1971

WHEREAS, HELEN G. DAVIS, "Applicant," filed an application for a fence variance under Zoning Administrator Case No. 10421 to maintain various fences and walls in required front yard varying in height to 5 feet where a maximum 3-foot high fence or wall is permitted, and to maintain overheight fences and walls in required side yards varying in height to 8 feet 6 inches where a maximum 6-foot high fence or wall is permitted, at 4928 Gardena Avenue, between Gardena Place and Bonus Drive, more particularly described as all of Lot 8 except the northwesterly 12 feet, Gardena Home Tract, Map No. 1248, in the R-1-5 Zone; and

WHEREAS, the Zoning Administrator of The City of San Diego held a public hearing on Zoning Administrator Case No. 10421 pursuant to Section 101.0502 of the Municipal Code of The City of San Diego on April 16, 1971, and denied the amended request for said variance, which decision was filed in the office of the City Clerk on April 30, 1971; and

WHEREAS, Applicant 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 June 14, 1971 overruled the decision of the Zoning Administrator under Case No. 10421, and granted the variance and filed the same in the office of the City Clerk on June 21, 1971; and

WHEREAS, pursuant to the provisions of Section 101.0505 of the Municipal Code of The City of San Diego, HAROLD J. and MARION RISTIGIAN filed an appeal from the decision of the Board of Zoning Appeals to the City Council on July 1, 1971; and

WHEREAS, said appeal was set for public hearing on July 29, 1971 and continued to August 3, 1971, 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:

That all of the following facts exist with respect to the denial of the variance to HELEN G. DAVIS:

1. There are no 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.

2. The aforesaid circumstances or conditions are such that the strict application of the provisions of the ordinance would not deprive the Applicant of the reasonable use of the land or buildings.

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

4. The granting of the variance would adversely affect the Progress Guide and General Plan for The City of San Diego.

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 5 to 1 the appeal of HAROLD J. and MARION RISTIGIAN is granted, and the application of HELEN G. DAVIS for a variance under Zoning Administrator Case No. 10421 be, and the same is hereby denied.

APPROVED: JOHN W. WITT, City Attorney

By C. Alan Sumption  
C. Alan Sumption, Deputy

CAS:cav  
8/6/71

203325

Passed and adopted by the Council of The City of San Diego on AUG 3 1971,  
 by the following vote:

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

(Seal)

By Edna P. Hamel Deputy.

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FORM CC-1276 (1-69)

Office of the City Clerk, San Diego, California	
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