

RESOLUTION NO.

204206

NOV 11 1971

WHEREAS, DR. DONALD and BARBARA SABA, Owners, "Applicant," filed an application for a fence variance under Zoning Administrator Case No. 10657 to construct a swimming pool on lot with existing single-family dwelling; pool to observe 12' front yard on Altamirano Way where 15' is required; and to erect approximately 140' of concrete block wall ranging in height from 5' to 6'6", observing 5' front yard on Marilouise Way and 6' front yard on Altamirano Way where maximum 3' high fence is permitted in required 15' front yard, at 2464 Marilouise Way, more particularly described as Lot 8, Block C, Presidio Hill, 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. 10657 pursuant to Section 101.0502 of the Municipal Code of The City of San Diego on August 20, 1971, and denied the request for said variance, which decision was filed in the office of the City Clerk on August 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 September 27, 1971 overruled the decision of the Zoning Administrator under Case No. 10657, and granted the variance and filed the same in the office of the City Clerk on October 7, 1971; and

WHEREAS, pursuant to the provisions of Section 101.0505 of the Municipal Code of The City of San Diego, EWART W. GOODWIN, JR., filed an appeal from the decision of the Board of Zoning Appeals to the City Council on October 18, 1971; and

WHEREAS, said appeal was set for public hearing on November 11, 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 DR. DONALD and BARBARA SABA:

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 8 to 0 the appeal of EWART W. GOODWIN, JR. is granted, and the application of DR. DONALD and BARBARA SABA for a fence variance under Zoning Administrator Case No. 10657 be, and the same is hereby denied.

APPROVED: JOHN W. WITT, City Attorney

By

C. Alan Sumption
C. Alan Sumption, Deputy

cav
11/24/71

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204206

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SAN DIEGO, CALIF.

Passed and adopted by the Council of The City of San Diego on NOV 11 1971
by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Helen Cobb	<input 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 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

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

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

(Seal)

By Judith A. Miller, Deputy.

Office of the City Clerk, San Diego, California	
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