

RESOLUTION NO. 204408

DEC 14 1971

WHEREAS, JAN BORDEWICK, "Applicant," filed an application for a yard and coverage variance under Zoning Administrator Case No. 10667 to construct a four-story, 8-unit apartment building observing: (1) a 2' front yard on Bayside Lane, where 15' is required; (2) a 4' interior sideyard, where 6' is required; (3) a 4' street sideyard on Cohasset Court, where 8' is required; and (4) resulting in approximately 70% coverage, where 60% is permitted, at 2820 Bayside Walk, more particularly described as Lot A, Block 33, Mission Beach, 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. 10667, pursuant to Section 101.0502 of the Municipal Code of The City of San Diego on August 6, 1971, and granted the request for a variance as set out in items (1) and (4) above, but denied the request in items (2) and (3) above, which decision was filed in the office of the City Clerk on August 17, 1971; and

WHEREAS, MR. and MRS. PAUL VANCIL 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 October 18, 1971, upheld the decision of the Zoning Administrator under Case No. 10667 and granted the variance and filed the same in the office of the City Clerk on November 5, 1971; and

WHEREAS, pursuant to the provisions of Section 101.0505 of the Municipal Code of The City of San Diego, MR. and MRS. FRED A. RADER filed an appeal from the decision of the Board of Zoning Appeals to the City Council on November 15, 1971; and

WHEREAS, said appeal was set for public hearing on December 14, 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 yard and coverage variance to JAN BORDEWICK:

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 9 to 0, the decision of the Board of Zoning Appeals granting the variance to JAN BORDERWICK under Zoning Administrator Case No. 10667 be, and it is hereby overruled, and the appeal of MR. and MRS. FRED A. RADER be, and it is hereby granted.

APPROVED: JOHN W. WITT, City Attorney

By C. Alan Sumption
C. Alan Sumption, Deputy

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12/20/71

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SAN DIEGO, CALIF. *fr*

Passed and adopted by the Council of The City of San Diego on DEC 14 1971,
by the following vote:

| Councilmen | Yeas | Nays | Excused | Absent |
|---------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Gil Johnson | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Maureen F. O'Connor | <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"/> |
| Jim Bates | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mayor Pete Wilson | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

(Seal)

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

By *Justin A. Wilson*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number 204408 Adopted DEC 14 1971
eh