

RESOLUTION NO. 201434

DEC 16 1971

WHEREAS, DENNIS DeCONCINI and PATRICK J. HURLEY, "Applicant," filed an application for a yard and zone variance under Zoning Administrator Case No. 10720 to (1) construct an eight-unit, three-story apartment building with stairway observing 6", balcony 3'4" and building observing a 7' front yard on Strandway where 15' is required; (2) three parking spaces on Strandway observing 0' front yard where parking is required to be 18' from face of curb and no less than 3' back of front property line; (3) canopy to observe 6' setback on Ocean Front Walk where 10' is established; and (4) to eliminate landscaping between front of building and front property line where 216 sq. ft. is required; and resulting in 63.7% coverage where 60% is permitted, in the 3200 block of Ocean Front Walk, more particularly described as a portion of Lot A, Block 101, Mission Beach, in the R-4 Zone; and

WHEREAS, the Assistant Zoning Administrator of The City of San Diego held a public hearing on Zoning Administrator Case No. 10720 pursuant to Section 101.0502 of the Municipal Code of The City of San Diego on August 27, 1971, and denied the request for said variance, which decision was filed in the office of the City Clerk on September 2, 1971; and

WHEREAS, DENNIS DeCONCINI appealed the decision of the Assistant 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 overruled the decision of the Assistant Zoning Administrator under Case No. 10720, and granted the variance, but denied the 63.7% coverage where 60% is permitted, and filed the same in the office of the City Clerk on November 1, 1971; and

WHEREAS, pursuant to the provisions of Section 101.0505 of the Municipal Code of The City of San Diego, PAUL G. CLIFFORD 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 16, 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 DENNIS DeCONCINI and PATRICK J. HURLEY:

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 6 to 1 the appeal of PAUL G. CLIFFORD is granted, and the application of DENNIS DeCONCINI and PATRICK J. HURLEY for a yard and zone variance under Zoning Administrator Case No. 10720 be, and the same is hereby denied.

APPROVED: JOHN W. WITT, City Attorney

By


C. Alan Sumption, Deputy

cav
12/29/71

Passed and adopted by the Council of The City of San Diego on DEC 16 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 checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Allen Hitch	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON
 Mayor of The City of San Diego, California.

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

Judith A. Wilson Deputy.

(Seal)

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Office of the City Clerk, San Diego, California

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