

RESOLUTION NO. 204713

JAN 25 1972

WHEREAS, YALE KAHN, "Applicant," filed an application for a zone variance under Zoning Administrator Case No. 10827 to construct a 2,327 sq. ft. building addition to ~~existing liquor store;~~ existing building now observes and new addition also to observe a 6" setback from adjacent residential property to the north, where 10' is required; and to provide 11 parking spaces on lot where 30 are required, for total building area, at the northwest corner of Loma Riviera Drive and W. Pt. Loma Boulevard, more particularly described as Lot 4, Loma Riviera Townhouse No. 1, in the CA Zone; and

WHEREAS, the Zoning Administrator of The City of San Diego held a public hearing on Zoning Administrator Case No. 10827 pursuant to Section 101.0502 of the Municipal Code of The City of San Diego on October 15, 1971, and denied the request for said variance, which decision was filed in the office of the City Clerk on October 28, 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 November 22, 1971 overruled the decision of the Zoning Administrator under Case No. 10827, and granted the variance in part and filed the same in the office of the City Clerk on December 6, 1971; and

WHEREAS, pursuant to the provisions of Section 101.0505 of the Municipal Code of The City of San Diego, the NORMAN COMPANY, by William Starr, filed an appeal from the decision of the Board of Zoning Appeals to the City Council on December 15, 1971; and

WHEREAS, said appeal was set for public hearing on January 25, 1972, 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 YALE KAHN:

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 2 the appeal of the Norman Company, by William Starr, is granted, and the application of YALE KAHN for a zone variance under Zoning Administrator Case No. 10827 be, and the same is hereby denied.

APPROVED: JOHN W. WITT, City Attorney

By


C. Alan Sumption, Deputy

CAS:cav
2/4/72

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Passed and adopted by the Council of The City of San Diego on JAN 25 1972
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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Bob Martinet	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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.

(Seal)

By Judith A. Nielsen, Deputy.

Office of the City Clerk, San Diego, California

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