

RESOLUTION NO. 205019

FEB 29 1972

WHEREAS, EARL R. SHANTZ, "Applicant," filed an application for a fence variance to maintain approximately 44 ft. of 6 ft. high pine wood fence observing a 0 ft. street side yard at 8524 Aquarius Drive, between Markab and Acrux Drives, more particularly described as Lot 804, Larwin Mesa View No. 8, in R-1-5 Zone; and

WHEREAS, the Zoning Administrator of The City of San Diego considered the request of Applicant on Zoning Administrator Case No. 10941, pursuant to Section 101.0502 of the San Diego Municipal Code and denied the request for a variance, which decision was filed in the office of the City Clerk on December 3, 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 January 24, 1972, upheld the decision of the Zoning Administrator under Case No. 10941, and denied the request for said variance and filed the same in the office of the City Clerk on January 31, 1972; and

WHEREAS, pursuant to the provisions of Section 101.0505 of the San Diego Municipal Code, Applicant filed an appeal from the decision of the Board of Zoning Appeals to the City Council on February 2, 1972; and

WHEREAS, said appeal was set for public hearing on February 29, 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 request for a variance to EARL R. SHANTZ:

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 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 City Council hereby upholds the decision of the Board of Zoning Appeals and denies the appeal of EARL R. SHANTZ for a variance.

APPROVED: JOHN W. WITT, City Attorney

By Peter D. Bulens
Peter D. Bulens, Deputy

PDB:clh
3/8/72

Passed and adopted by the Council of The City of San Diego on FEB 29 1972,
 by the following vote:

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SAN DIEGO, CALIF. FR

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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 *Edward Nielsen*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number 205019 Adopted FEB 29 1972
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