

RESOLUTION NO. 205500

MAY 2 1972

WHEREAS, E. N. and GLADYS DE JONGE, "Applicants," filed an application for a yard variance to maintain a 16' x 20'6" family room addition to an existing single family dwelling; addition observes a 9' rear yard, where 20' is required, at 5024 Ovid Place, more particularly described as Lot 166, BELLAIRE TERRACE UNIT 3, between Caywood and Appleton Streets of Clairemont, in ZONE R-1-5; and

WHEREAS, the Zoning Administrator of The City of San Diego considered the request of Applicants on Zoning Administrator Case No. 10883, 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 November 19, 1971; and

WHEREAS, Applicants 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 February 14, 1972, upheld the decision of the Zoning Administrator under Case No. 10883, and denied the request for said variance and filed the same in the office of the City Clerk on February 18, 1972; and

WHEREAS, pursuant to the provisions of Section 101.0505 of the San Diego Municipal Code, Applicants by Attorney Lee Estep filed an appeal from the decision of the Board of Zoning Appeals to the City Council on February 23, 1972; and

WHEREAS, said appeal was set for public hearing on March 28, 1972 and continued to May 2, 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 E. N. and GLADYS DE JONGE:

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 Applicants 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 5 to 2 the City Council hereby upholds the decision of the Board of Zoning Appeals and denies the appeal of E. N. and GLADYS DE JONGE for a variance.

APPROVED: JOHN W. WITT, City Attorney

By Peter D. Bulens
Peter D. Bulens, Deputy

PDB:clh
5/5/72

Passed and adopted by the Council of The City of San Diego on MAY 2 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Henry L. Landt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 *Kathryn M. Noel*, Deputy.

Office of the City Clerk, San Diego, California

Resolution **205500** Adopted **MAY 2 1972**
 Number *eh*