

RESOLUTION NO. 207048 DEC 12 1972

WHEREAS, VERNON E. and LUCY E. MARDOCK, "Applicants," filed an application to maintain a residential patio addition to existing single family dwelling; posts observe a 2' interior side yard at closest point and eaves 1' interior side yard where a 4' interior side yard for posts and 2'6" interior side yard for eaves is required at 4122 Arbor Vitae Drive, more particularly described as Lot 5, Block 7, Lexington Park, in the R-2 Zone; and

WHEREAS, the Zoning Administrator of The City of San Diego considered the request of Applicants on Zoning Administrator Case No. 11449, 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 September 12, 1972; 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 October 30, 1972, upheld the decision of the Zoning Administrator under Case No. 11449, and denied the request for said variance and filed the same in the office of the City Clerk on November 9, 1972; and

WHEREAS, pursuant to the provisions of Section 101.0505 of the San Diego Municipal Code, Applicants filed an appeal from the decision of the Board of Zoning Appeals to the City Council on November 20, 1972; and

WHEREAS, said appeal was set for public hearing on December 12, 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 VERNON E. and LUCY E. MARDOCK:

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 7 to 0 the City Council hereby upholds the decision of the Board of Zoning Appeals and denies the appeal of VERNON E. and LUCY E. MARDOCK for a variance.

APPROVED: JOHN W. WITT, City Attorney

By   
Peter D. Bulens, Deputy

PDB:lc  
12/15/72

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Passed and adopted by the Council of The City of San Diego on DEC 12 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 Mary Anne Nease, Deputy.

Office of the City Clerk, San Diego, California  
Resolution Number 207048 Adopted DEC 12 1972  
*eh*