

RESOLUTION NO. 207329 FEB 6 1973

WHEREAS, CARL P. HINKLEMAN, "Applicant," filed an application for a zone variance under Zoning Administrator Case No. 11432 to maintain existing single family dwelling with garage observing a 15-foot setback where a 25-foot setback has been established at 13923 Boquita Drive, between Lozana and El Amigo Roads, more particularly described as Lot 13, Block 7, Del Mar Heights, in the R-1-6 Zone; and

WHEREAS, the Assistant Zoning Administrator of The City of San Diego held a public hearing on Zoning Administrator Case No. 11432 pursuant to Section 101.0502 of the San Diego Municipal Code on August 25, 1972, and denied the request for said variance, which decision was filed in the office of the City Clerk on September 1, 1972; and

WHEREAS, Applicant, by Alex A. Harper, attorney, 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 December 11, 1972, upheld the decision of the Assistant Zoning Administrator under Case No. 11432 and denied the variance and filed the same in the office of the City Clerk on December 27, 1972; and

WHEREAS, pursuant to the provisions of Section 101.0505 of the San Diego Municipal Code, Applicant, by Alex A. Harper, attorney, filed an appeal from the decision of the Board of Zoning Appeals to the City Council on January 4, 1973; and

WHEREAS, said appeal was set for public hearing and was heard on February 6, 1973, 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 granting of a variance that allows Applicant to maintain existing single family dwelling with garage observing a 15-foot setback where a 25-foot setback has been established at 13923 Boquita Drive, between Lozana and El Amigo Roads, more particularly described as Lot 13, Block 7, Del Mar Heights, in the R-1-6 Zone.

1. There are 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. Such conditions have not resulted from any act of the Applicant subsequent to the adoption of the applicable zoning ordinance.

2. The aforesaid circumstances or conditions are such that the strict application of the provisions of the ordinance would deprive the Applicant of the reasonable use of the land or buildings and that the variance granted by the City is the minimum variance that will accomplish this purpose.

3. The granting of the variance will be in harmony with the general purpose and intent of the zoning regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

4. The granting of the variance will not 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 the City Council does hereby grant the appeal of CARL P. HINKLEMAN, by Attorney Alex A. Harper, from the decision of the Board of Zoning Appeals and does hereby grant to CARL P. HINKLEMAN a variance in the form and with the terms and conditions as set forth in the variance attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By 
Peter D. Bulens, Deputy

PDB:lc
2/13/73

VARIANCE - CITY COUNCIL
(Case No. 11432)

This variance is granted by the Council of The City of San Diego to CARL P. HINKLEMAN, "Applicant," for the purposes and terms and on the conditions as set out herein pursuant to the authority contained in Section 101.0502 of the San Diego Municipal Code and related parts thereof and Resolution No. 207329, adopted February 6, 1973, by the City Council of The City of San Diego.

1. Permission is hereby granted to Applicant under Zoning Administrator Case No. 11432 to maintain existing single family dwelling with garage observing a 15-foot setback where a 25-foot setback has been established at 13923 Boquita Drive, between Lozana and El Amigo Roads, more particularly described as Lot 13, Block 7, Del Mar Heights, in the R-1-6 Zone.

2. Applicant shall fully comply with all the provisions of the San Diego Building Code.

3. The effectiveness of this variance is expressly conditioned upon and the same shall not become effective for any purpose unless and until the following events shall have occurred:

a. Applicant shall have agreed to each and every condition hereof by having this variance signed within 90 days of the Council's decision.

b. This variance, executed as indicated, shall have been recorded in the office of the County Recorder.

4. This variance shall inure to the benefit of and shall constitute a covenant running with the land, and the terms, conditions and provisions hereof shall be binding upon Applicant and any successor or successors thereto and the interest of any such successor shall be subject to each and every condition herein set out.

5. This variance is not a permit or license, and any permit or license required by law must be obtained from the proper department.

6. In addition to any other remedy provided by law, any breach in any of the terms or conditions of this variance or any default on the part of Applicant or its successors in interest shall be deemed a material breach hereof and this variance may be cancelled or revoked. Cancellation or revocation may be instituted by City or Applicant. The Zoning Administrator shall set the matter for public hearing before the Board of Zoning Appeals giving it the same notice as provided in Section 101.0504 of the San Diego Municipal Code. An appeal from the decision of the Board of Zoning Appeals may be taken to the City Council by any interested person within ten days after the decision is filed with the City Clerk. The

Clerk shall set the matter for public hearing before the City Council giving the same notice as provided in Section 101.0505.

7. Any zone variance granted by the City shall be null and void and shall be revoked automatically 18 months after its effective date unless the use or construction permitted, or both, is commenced before said time expires, in accordance with Municipal Code Section 101.0508.

Passed and adopted by the Council of The City of San Diego on February 6, 1973.

Passed and adopted by the Council of The City of San Diego on FEB 6 1973,
 by the following vote:

RECEIVED
 CITY CLERK'S OFFICE

1973 FEB 16 AM 10:59

SAN DIEGO, CALIF.

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 type="checkbox"/>	<input checked="" 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 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 type="checkbox"/>	<input checked="" 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 Ann Nease, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number 207329 Adopted FEB 6 1973