

RESOLUTION NO. 207560

MAR 20 1973

WHEREAS, COURT M. and HELEN B. HOOTON, "Applicants," filed an application for a fence variance to maintain approximately 25 feet of 6-foot high solid wood fence observing a 0' to 5' setback along Del Paso Place at 6408 Del Paso Avenue, between Del Paso Place and Claremore Lane, more particularly described as Lot 236, Del Cerro Terrace No. 3, in the R-1-5 Zone; and

WHEREAS, the Assistant Zoning Administrator of The City of San Diego considered the request of Applicants on Zoning Administrator Case No. 11726, 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 27, 1972; and

WHEREAS, Applicants 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 February 12, 1973, overruled and modified the decision of the Assistant Zoning Administrator under Case No. 11726, and granted the appeal as modified for said variance and filed the same in the office of the City Clerk on February 23, 1973; 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 February 22, 1973; and

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WHEREAS, said appeal was set for public hearing on March 20, 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 denial of the request for a variance to COURT M. and HELEN B. HOOTON:

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 shall not have 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 by a vote of 9 to 0 the City Council hereby upholds the decision of the Board of Zoning Appeals and denies the appeal of COURT M. and HELEN B. HOOTON.

APPROVED: JOHN W. WITT, City Attorney

By 
Peter D. Bulens, Deputy

PDB:lc
6/15/73
Revised

Passed and adopted by the Council of The City of San Diego on MAR 20 1973
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 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 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 La Verne E. Miller, Deputy.

Office of the City Clerk, San Diego, California

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