

RESOLUTION NO. 208001 MAY 22 1973

WHEREAS, JOSEPH D. and BARBARA W. COSTELLO, "Applicants," filed an application to (1) construct a tennis court on a vacant lot where accessory uses are only permitted on same lot with permitted use; and (2) to erect approximately 280 feet of chain link fence 12 feet in height, and approximately 65 feet, or 18 percent of said fence to be on top of a retaining wall ranging from 0 feet to 5 feet in height; wall and fence to enclose tennis court observing at closest point a 7-foot setback on Calle Majorca; fence alone to observe a 6-foot interior side yard and a 15-foot rear yard where a maximum 3-foot high fence is permitted in a 25-foot established setback and a maximum 6-foot high fence is permitted in a required 8-foot interior side yard and 25-foot rear yard on Calle Majorca between Hartley Drive and Buckingham Drive, more particularly described as Lot 1, Hartley's Muirlands Estate, in the R-1-20 Zone; and

WHEREAS, the Zoning Administrator of The City of San Diego held a public hearing on Zoning Administrator Case No. 11800, pursuant to Section 101.0502 of the San Diego Municipal Code on March 2, 1973, and granted number (1) of the request, but denied number (2) as requested, approving a 15-foot setback at the closest point on Calle Majorca and a 15-foot rear yard, which decision was filed in the office of the City Clerk on March 14, 1973; and

WHEREAS, OLIVER B. and NORMA M. JAMES 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 April 9, 1973, upheld the decision of the Zoning Administrator under Case No. 11800 with the exception of the setback on Calle Majorca which was approved to be 20 feet instead of 15 feet and filed the same in the office of the City Clerk on April 24, 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 May 4, 1973; and

WHEREAS, pursuant to the provisions of Section 101.0505 of the San Diego Municipal Code, OLIVER B. JAMES filed an appeal from the decision of the Board of Zoning Appeals to the City Council on May 4, 1973; and

WHEREAS, said appeal was set for public hearing on May 22, 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 JOSEPH D. and BARBARA W. COSTELLO:

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 7 to 0 the City Council hereby upholds the decision of the Board of Zoning Appeals and denies the appeals of JOSEPH D. COSTELLO and OLIVER B. JAMES.

APPROVED: JOHN W. WITT, City Attorney

By 
Peter D. Bulens, Deputy

PDB:lc
6/15/73

Passed and adopted by the Council of The City of San Diego on MAY 22 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Floyd L. Morrow	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>

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AUTHENTICATED BY:

PETE WILSON
Mayor of The City of San Diego, California.

EDWARD NIELSEN
City Clerk of The City of San Diego, California.

By LaVerne E. Miller, Deputy.

Office of the City Clerk, San Diego, California

208001

MAY 22 1973

Resolution Number Adopted