

RESOLUTION NO. 208203 JUN 21 1973

WHEREAS, MICHAEL P. and SHIRLEY J. SHEVLIN, "Applicants," filed an application for a conditional use permit under Zoning Administrator Case No. 11674 to use existing single family dwelling as a nursery school for 14 students from 7:30 a.m. to 5:30 p.m. weekdays, and to maintain approximately 20 feet of six-foot high solid wood fence observing a seven-foot street sideyard, where a maximum three-foot high fence is permitted at 2649 Raymell Drive, between Ronda Avenue and Melbourne Drive, more particularly described as Lot 1126, Mission Village No. 1, in the R-1-5 Zone; and

WHEREAS, the Zoning Administrator of The City of San Diego held a public hearing on Zoning Administrator Case No. 11674 pursuant to Section 101.0503 of the Municipal Code of The City of San Diego on March 30, 1973, and denied the request for said conditional use permit, which decision was filed in the office of the City Clerk on April 4, 1973; 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 May 14, 1973 overruled the decision of the Zoning Administrator under Case No. 11674, and granted the conditional use permit subject to the following conditions:

1. That this permit shall be for a period of five years expiring on June 1, 1978; and

2. That offstreet parking shall be provided and installed, as shown on revised plans, dated May 11, 1973, on file in the office of the Zoning Administrator of the Planning Department;

and filed the same in the office of the City Clerk on May 25, 1973; and

WHEREAS, pursuant to the provisions of Section 101.0505 of the Municipal Code of The City of San Diego, MR. and MRS. S. N. RECIO and MR. and MRS. W. LINDER filed an appeal from the decision of the Board of Zoning Appeals to the City Council on June 4, 1973; and

WHEREAS, said appeal was set for public hearing on June 21, 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 the conditional use permit to MICHAEL P. and SHIRLEY J. SHEVLIN:

1. The proposed use at the particular location is desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or community.

2. The proposed use will not, particularly because of conditions imposed, be detrimental to the public health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.

3. The proposed use will comply with the regulations specified in the Code for such use.

4. The granting of the conditional use permit will not adversely affect the Progress Guide and General Plan of The City of San Diego or the adopted plan of any governmental agency.

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 2 the City Council does hereby uphold the decision of the Board of Zoning Appeals denying the appeal of Mr. and Mrs. S. N. Recio and Mr. and Mrs. W. Linder.

APPROVED: JOHN W. WITT, City Attorney

By *Peter D. Bulens*
Peter D. Bulens, Deputy

PDB:lc
7/13/73

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SAN DIEGO, CALIF.

Passed and adopted by the Council of The City of San Diego on JUN 21 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 type="checkbox"/>	<input checked="" 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 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 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 MaryAnne Deuse, Deputy.

Office of the City Clerk, San Diego, California

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Adopted JUN 21 1973

JB