

RESOLUTION NO. 208620 AUG 16 1973

WHEREAS, ROBERT and LOLA WARD, "Applicants," filed an application for a fence variance under Zoning Administrator Case No. 11898 to maintain approximately 145 feet of five-foot solid masonry wall with two eleven-foot high arches observing a zero-foot front yard where a maximum three-foot high fence is permitted in established 20-foot front yard, at 8359 La Jolla Scenic Drive North, between Cliffridge Avenue and Via Posada, more particularly described as Lot 1, Miradon Hill, in the R-1-10 Zone; and

WHEREAS, the Zoning Administrator of The City of San Diego held a public hearing on Zoning Administrator Case No. 11898 pursuant to Section 101.0502, and denied the request for said variance, 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 upheld the decision of the Zoning Administrator under Case No. 11898 and denied the variance except approved the maintenance of a six-foot high fence on the side property lines in the required front yard, and filed the same in the office of the City Clerk On May 30, 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 June 7, 1973; and

WHEREAS, said appeal was set for public hearing on August 2, 1973 but was continued to August 7, 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 to maintain approximately 145 feet of five-foot solid masonry wall with two eleven-foot high arches observing a zero-foot front yard where a maximum three-foot high fence is permitted in established 20-foot front yard, at 8359 La Jolla Scenic Drive North, between Cliffridge Avenue and Via Posada, more particularly described as Lot 1, Miradon Hill, in the R-1-10 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 Applicants 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 Applicants 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.

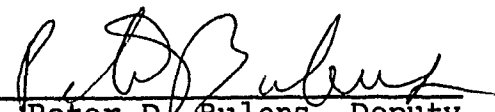
3. The granting of the variance will be in harmony with the general purpose and intent of the zoning regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

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 ROBERT and LOLA WARD from the decision of the Board of Zoning Appeals and does hereby grant to ROBERT and LOLA WARD a variance in the form and with the terms and conditions as set forth in that original variance, Case No. 11898.

APPROVED: JOHN W. WITT, City Attorney

By   
Peter D. Bulens, Deputy

PDB:lc  
9/7/73

Acknowledgment

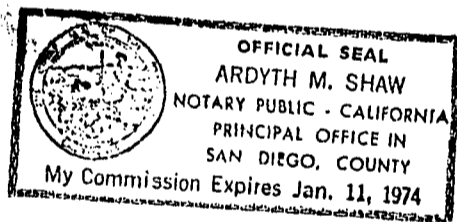
STATE OF CALIFORNIA)  
) ss  
COUNTY OF SAN DIEGO)

On this 11th day of September, 1973,  
before me the undersigned, a Notary Public in and for said  
County and State, personally appeared

PETER D. BULENS

known to me to be the person(s) whose name(s) is/are subscribed  
to the within instrument and acknowledged to me that HE  
executed the within instrument.

WITNESS my hand and official seal.  
(Notary stamp)



Ardyth M. Shaw  
Notary Public in and for the County  
of San Diego, State of California

208620

Applicant shall have agreed to each and every condition hereof by having this variance signed within thirty (30) days of the decision of the City Council.

The undersigned Permittee by execution hereof agrees to each and every condition of this variance and promises to perform each and every obligation of Permittee hereunder.

\_\_\_\_\_  
\_\_\_\_\_

State of California)  
County of San Diego) ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_, before me \_\_\_\_\_, a Notary Public in and for said County, residing therein, duly commissioned and sworn, personally appeared \_\_\_\_\_ known to me to be the person(s) described in and whose name(s) is(are) subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal at my office in \_\_\_\_\_, County of San Diego, State of California, the day and year in this certificate first above written.

(Notary Stamp)

\_\_\_\_\_  
Notary Public in and for  
the County of San Diego,  
State of California

208620

AUG 16 1973

Passed and adopted by the Council of The City of San Diego on \_\_\_\_\_, by the following vote:

RECEIVED  
CITY CLERK'S OFFICE

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SAN DIEGO, CALIF.

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input type="checkbox"/>	<input checked="" 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 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

(Seal)

By Edward Nielsen, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number 208620 Adopted AUG 16 1973