

RESOLUTION NO. 208659 AUG 21 1971

WHEREAS, PHIL and EVA MARX, "Applicants," filed an application for a zone variance under Zoning Administrator Case No. 11957 to maintain existing single family dwelling observing a 15-foot setback where a 25-foot setback is established, at 13992 Mercado Drive, between El Amigo Road and Lozana Road, more particularly described as Lot 8, Block 9, Del Mar Heights, in the R-1-6 Zone; and

WHEREAS, the Zoning Administrator of The City of San Diego held a public hearing on Zoning Administrator Case No. 11957 pursuant to Section 101.0502 of the Municipal Code of The City of San Diego on May 18, 1973, and denied the request for said variance, which decision was filed in the office of the City Clerk on May 25, 1973; and

WHEREAS, Applicants appealed the decision of the Zoning Administrator to the Board of Zoning Appeals pursuant to Section 101.0504 of the Municipal Code of The City of San Diego; and

WHEREAS, the Board of Zoning Appeals on July 9, 1973, overruled the decision of the Zoning Administrator under Case No. 11957, and granted the variance and filed the same in the office of the City Clerk on July 19, 1973; and

WHEREAS, pursuant to the provisions of Section 101.0505 of the Municipal Code of The City of San Diego, R. V. POWELL, ET AL., filed an appeal from the decision of the Board of Zoning Appeals to the City Council on July 30, 1973; and

WHEREAS, said appeal was set for public hearing on August 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 denial of the variance to PHIL and EVA MARX:

1. There are no 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.

2. The aforesaid circumstances or conditions are such that the strict application of the provisions of the ordinance would not deprive the Applicants of the reasonable use of the land or buildings.

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

4. The granting of the variance would 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 2 the appeal of R. V. POWELL, ET AL., is granted, and the application of PHIL and EVA MARX for a zone variance under Zoning Administrator Case No. 11957 be, and the same is hereby denied.

APPROVED: JOHN W. WITT, City Attorney

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

PDB:lc
9/6/73

Passed and adopted by the Council of The City of San Diego on AUG 21 1971,
by the following vote:

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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 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 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 type="checkbox"/>	<input checked="" 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.

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

By Mary Anne Dineen, Deputy.

(Seal)

Office of the City Clerk, San Diego, California

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