

RESOLUTION NO. 208981 OCT 9-1973

WHEREAS, CARL and ANNA BENAVIDEZ, "Applicants," filed an application for a fence variance under Zoning Administrator Case No. 12117 to erect 66 feet of solid wood fence, six feet high, inside retaining wall observing a two-foot street side yard on Zapata Avenue where a maximum three-foot high fence is permitted in a required ten-foot street side yard and a 15-foot street side yard within 20-foot rear yard when property adjoins front yard of adjoining premises, at 11304 Trebol Street at the southwest corner of its intersection with Zapata Avenue, more particularly described as Lot 310, Mirador Unit #2, in the R-1-5 Zone; and

WHEREAS, the Assistant Zoning Administrator of The City of San Diego considered the application under Zoning Administrator Case No. 12117 pursuant to Section 101.0502, and denied the variance as requested but approved an alternative fence variance, which decision was filed in the office of the City Clerk on August 1, 1973; 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 August 27, 1973 denied the variance as requested and modified the decision of the Assistant Zoning Administrator under Case No. 12117 and filed the same in the office of the City Clerk on September 10, 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 September 14, 1973; and

WHEREAS, said appeal was set for public hearing on October 9, 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 fence variance to erect 66 feet of solid wood fence, six feet high, inside retaining wall observing a two-foot street side yard on Zapata Avenue where a maximum three-foot high fence is permitted in a required two-foot street side yard and a 15-foot street side yard within 20-foot rear yard when property adjoins front yard of adjoining premises, at 11304 Trebol Street at the southwest corner of its intersection with Zapata Avenue, more particularly described as Lot 310, Mirador Unit #2, in the R-1-5 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 CARL and ANNA BENAVIDEZ from the decision of the Board of Zoning Appeals and does hereby grant to CARL and ANNA BENAVIDEZ a fence variance in the form and with the terms and conditions as set forth in that original application, Case No. 12117.

APPROVED: JOHN W. WITT, City Attorney

BY 
Peter D. Bulens, Deputy

PDB:lc
10/25/73

Passed and adopted by the Council of The City of San Diego on OCT 9 - 1973
by the following vote:

JB
RECEIVED
CITY CLERK'S OFFICE

1973 NOV - 1 AM 8:17

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 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 *Ann C. Jarett*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number 208981 Adopted OCT 9 - 1973