

RESOLUTION NO. 209334

NOV 27 1973

WHEREAS, LLOYD K. and BEVERLY E. VENSAND, "Applicants," filed an application for a zone variance under Zoning Administrator Case No. 12225 to complete and maintain a fireplace chimney which extends approximately four inches into Applicants' side yard, at 2775 Curie Place, more particularly described as Lot 116, San Clemente Park Estates No. 1, in the R-1-5 Zone; and

WHEREAS, the Zoning Administrator of The City of San Diego considered Zoning Administrator Case No. 12225 pursuant to Section 101.0502 of the San Diego Municipal Code and granted said variance, which decision was filed in the office of the City Clerk on September 11, 1973; and

WHEREAS, Herbert E. Nation 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 October 15, 1973 upheld the decision of the Zoning Administration under Case No. 12225, and granted said variance and filed the same in the office of the City Clerk on October 19, 1973; and

WHEREAS, pursuant to the provisions of Section 101.0505 of the San Diego Municipal Code, Herbert E. Nation filed an appeal from the decision of the Board of Zoning Appeals to the City Council on October 29, 1973; and

WHEREAS, said appeal was set for public hearing and was heard on November 27, 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,

Corrected
Copy 1/22/74

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 zone variance that allows Applicants to complete and maintain a fireplace chimney which extends approximately four inches into Applicants' side yard, at 2775 Curie Place, more particularly described as Lot 116, San Clemente Park Estates No. 1:

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 does hereby deny the appeal of Herbert E. Nation from the decision of the Board of Zoning Appeals and does hereby grant to Lloyd L. and Beverly E. Vensand a zone variance as set forth in Zoning Administrator Case No. 12225.

APPROVED: JOHN W. WITT, City Attorney

By 
Peter M. Bulens, Deputy

PDB:lc
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Acknowledgment

STATE OF CALIFORNIA)
) ss
COUNTY OF SAN DIEGO)

On this 22nd day of January, 19 74,
before me the undersigned, a Notary Public in and for said
County and State, personally appeared

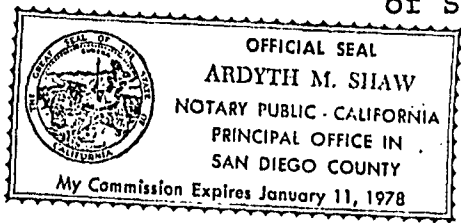
Peter D. Bulens

known to me to be the person (☉) whose name (☉) 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



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Applicant shall have agreed to each and every condition hereof by having this conditional use permit 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 conditional use permit 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

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Passed and adopted by the Council of The City of San Diego on NOV 27 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 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 Yolanda Limon, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number 209334 Adopted NOV 27 1973