

RESOLUTION NO. 209488 DEC 18 1973

WHEREAS, EDWARD and PAT SOUZA, "Applicants," filed an application for a variance under Zoning Administrator Case No. 12205 to construct a 15-foot 9-inch by 34-foot family room and bedroom addition to existing single family dwelling; addition to observe a 12-foot rear yard where a 20-foot rear yard is required at 6230 Buisson Street between Briand and Docummun Avenues, more particularly described as Lot 90, University City Manor No. 2, 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. 12205 pursuant to Section 101.0502 of the San Diego Municipal Code, and denied the request for said variance, which decision was filed in the office of the City Clerk on September 26, 1973; and

WHEREAS, Applicants, by Richard J. Fernandes, 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 November 12, 1973 overruled the decision of the Zoning Administrator under Case No. 12205, and denied the appeal as submitted by permitting Applicants to observe a 16-foot rear yard on the condition that construction and/or improvements shall be in substantial conformity with Exhibit "A," dated November 12, 1973, on file in the office of the Zoning Administrator of the Planning Department; and filed said decision in the office of the City Clerk on November 16, 1973; and

WHEREAS, pursuant to the provisions of Section 101.0505 of the San Diego Municipal Code, D. M. and JUDITH KOZMARY filed an appeal from the decision of the Board of Zoning Appeals to the City Council on November 21, 1973; and

WHEREAS, said appeal was set for public hearing on December 18, 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 said variance as approved by the Board of Zoning Appeals:

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 deny the appeal of D. M. and JUDITH KOZMARY from the decision of the Board of Zoning Appeals and does hereby grant to EDWARD and PAT SOUZA a variance as approved by the Board of Zoning Appeals on November 12, 1973 under Zoning Administrator Case No. 12205.

APPROVED: JOHN W. WITT, City Attorney

By 
Peter D. Bulens, Deputy

PDB:lc
1/3/73

Passed and adopted by the Council of The City of San Diego on DEC 18 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"/>
Lee Hubbard	<input checked="" type="checkbox"/>	<input 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"/>
Jim Ellis	<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 Yolanda Limon, Deputy.

(Seal)

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