

RESOLUTION NO. 210516

MAY 2 1974

WHEREAS, JOSEPH M. and JUDITH M. CASCO, "Applicants," filed an application for a fence variance under Zoning Administrator Case No. 12273 to maintain 80' of 6' high solid wood fence observing 0' setback on Jason Street where maximum 3' high fence is permitted in 10' street side yard, and 15' is required in rear yard when property is abutting front yard of adjacent lot at 1465 Transite Avenue between Jason and Ionian Streets, more particularly described as Lot 54, Egger Highlands No. 1, in the R-1-5 Zone; and

WHEREAS, the Assistant Zoning Administrator of The City of San Diego considered Zoning Administrator Case No. 12273 pursuant to Section 101.0502 of the San Diego Municipal Code and denied the request for a fence variance, which decision was filed in the office of the City Clerk on November 15, 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 January 14, 1974 upheld the decision of the Assistant Zoning Administrator under Case No. 12273 and denied the request for said variance and filed the same in the office of the City Clerk on January 30, 1974; and

WHEREAS, said appeal was set for public hearing on March 26, 1974 but was continued to May 2, 1974, 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 request for a fence variance to JOSEPH M. and JUDITH M. CASCO:

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 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 City Council hereby upholds the decision of the Board of Zoning Appeals and denies the appeal of JOSEPH M. and JUDITH M. CASCO for a fence variance.

APPROVED: JOHN W. WITT, City Attorney

BY 
Frederick C. Conrad, Chief Deputy

FCC:jh
5-24-74

210516

MAY 2 1974

Passed and adopted by the Council of The City of San Diego on _____,
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 type="checkbox"/>	<input checked="" 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.

(Seal)

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

By Lalorano E Miller Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **210516** Adopted **MAY 2 1974**
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