

(R-86-117)

RESOLUTION NUMBER R-263608

ADOPTED ON JULY 2, 1985

WHEREAS, on April 17, 1985, the Board of Zoning Appeals considered the appeal of Edgar Jack Ridout by Peter M. Polischuk, Attorney, in Case-C-18483 from the partial denial by the Zoning Administrator of his request to maintain existing freestanding walls, retaining walls and decks as follows:

1. 18'0" of stucco wall ranging from 2'9" to 3'3" in height, observing a 0'0" front yard at the closest point;

2. 54'6" of maximum 4'6" high retaining wall with 5'6" of freestanding wall above and 3'0" of glass and wood fence on top (total height 13'0"), observing a 4'6" front yard at the closest point, where a 3'0" high retaining wall with a 3'0" high, 50 percent open fence above is the maximum permitted;

3. 98'0" of 5'0" high retaining wall with maximum 6'0" high wall above (total height 11'0") observing a 0'0" interior side yard on the east;

4. 12'0" maximum 4'0" high retaining wall with a 2'0" solid wall above and a 4'0" glass and wood fence on top (total height 10'0"), observing a 0'0" interior side yard on the east;

5. 98'0" of 5'0" to 9'0" high retaining wall with a 5'0" freestanding wall above (total maximum height 14'0") observing a 0'0" interior side yard on the west;

6. 12'0" of 5'0" high retaining wall with a 2'0" solid wall above and 4'0" of glass and wood fence on top (total height

11'0") observing a 0'0" interior side yard on the west, where a 6'0" high retaining wall with 3'6" high, 50 percent open fence on top is the maximum permitted within the required side yard;

7. 50'0" of maximum 5'0" high retaining wall with 2'0" wall above 4'0" glass and wood fence on top (maximum height 11'0") observing a 3'0" rear yard where a 6'0" retaining wall with a 3'6" high, 50 percent open fence above is the maximum permitted in the required yard;

8. approximately 540 sq. ft. of deck ranging from 2'0" to 5'0" in height, observing a 3'6" rear yard where a 4'0" rear yard is required;

9. approximately 393 sq. ft. of deck ranging from 2'6" to 5'0" in height, observing a 4'6" front yard at the closest point where a 15'0" front yard is required;

The Zoning Administrator approved Items 1., 3., 4., 7. and 8. and denied Items 2., 5., 6. and 9. - Lots 11 and 12, Block 2, Seaview Heights, Map No. 1125, located at 1231 Van Nuys Street, Zone R1-5000; and

WHEREAS, in arriving at their decision, the Board of Zoning Appeals reviewed the appellants' testimony, the plans and materials submitted, the finding of facts of the Zoning Administrator, visited the subject property and heard public testimony on this matter; and

WHEREAS, in arriving at their decision, the Board of Zoning Appeals adopted the finding of facts of the Zoning Administrator as their finding of facts for the approval of Items 1., 3., 4., 7. and 8. and for the denial of Items 2. and 9. The Board of

Zoning Appeals, however, believes that the finding of facts could be made to approve Item 6., based on the topography and the adjacent surrounding development. The Board of Zoning Appeals further believes that Item 5. could be approved based on the topography if that portion of the wall which parallel the house on the adjacent lot were modified. The modification would be that the existing overheight retaining wall could remain but that the fence on top of the retaining wall be not more than 3½ ft. in height and be 50 percent open. This modification would allow for light and air to the adjacent residential development; and

WHEREAS, on July 2, 1985, the City Council considered the appeal of Edgar Jack Ridout by Peter M. Polischuk, Attorney, from the decision of the Board of Zoning Appeals in the partial denial of his request to maintain existing freestanding walls, retaining walls and decks; and

WHEREAS, in arriving at its decision, the City Council reviewed the appellants' testimony in the decision of the Board of Zoning Appeals and heard public testimony on this matter; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the appeal of Edgar Jack Ridout by Peter M. Polischuk, Attorney, is hereby granted and the decision of the Board of Zoning Appeals is overturned.

BE IT FURTHER RESOLVED, that said approval is granted pursuant to the following conditions:

1. That the applicant shall obtain building permits for the decks and walls approved, within 30 days of receipt of this resolution;


2. That the project shall comply with all the requirements of the Building Inspection Department; and

3. That encroachment permits shall be obtained for the section of walls which extend into the right-of-way on Van Nuys Street, within 30 days of the date of this resolution.

BE IT FURTHER RESOLVED, that the decision of the City Council shall be final.

APPROVED: JOHN W. WITT, City Attorney

By


Janis Sammartino Gardner
Deputy City Attorney

JSG:ta:632
7/22/85
Or.Dept:Clerk
R-86-117
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JUL 2 1985

Passed and adopted by the Council of The City of San Diego on
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
District 7 - vacant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK

Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By *Barbara Bayter*, Deputy.

Office of the City Clerk, San Diego, California	
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