

(R-86-374)

RESOLUTION NUMBER R-263823

ADOPTED ON AUGUST 6, 1985

WHEREAS, on June 5, 1985, the Board of Zoning Appeals considered the appeal of the Bank of America Trust and Savings Association, owner; John F. and Mary L. Shoemaker, purchasers, in Case-C-17187, from the denial by the Zoning Administrator of their request to maintain a 59'5" of maximum 6'4" solid wall observing at the closest point a 0'0" front yard (portion of the wall encroaching 1'0" into the public right-of-way) but approving a maximum 4'8" of solid wall at the southern property line; the remaining portion of the wall to be 4'0" in height on Lot 25, Yacht Club Terrace, Map No. 2224, located at 849 Rosecrans Street in the R1-5000 Zone; and

WHEREAS, in arriving at their decision, the Board of Zoning Appeals considered the Zoning Administrator's decision and findings, conducted an inspection of the property, and heard public testimony presented at the hearing. In addition, the Board of Zoning Appeals reviewed the consultant's presentation made in 1981 by Bill Rick that indicated that a 4'0" high wall would attenuate the noise along Rosecrans Street. In addition, the Board of Zoning Appeals considered the design of the existing house, and believed that the circumstances had not changed since the original hearing in 1981; and

WHEREAS, in arriving at its decision, the Board of Zoning Appeals adopted the finding of facts of the Zoning Administrator

as their finding of facts, as the Board of Zoning Appeals found no unusual circumstances or hardship that would warrant the variance amendment as requested; and

WHEREAS, the Board of Zoning Appeals acted to sustain and affirm the decision of the Zoning Administrator; and

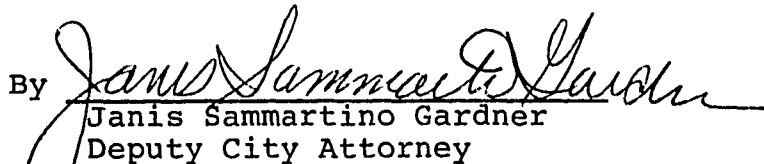
WHEREAS, on August 6, 1985, the City Council considered the appeal of John F. Shoemaker, from the decision of the Zoning Administrator in denying his request to amend a variance on this matter; and

WHEREAS, in arriving at its decision, the City Council reviewed the appellants' testimony and 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 John F. Shoemaker is hereby granted and the decision of the Board of Zoning Appeals is overturned.

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
8/27/85
Or.Dept:Clerk
R-86-374
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Passed and adopted by the Council of The City of San Diego on AUG 6 1985,
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 Struiksmma	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 Baxter*, Deputy.

Office of the City Clerk, San Diego, California
Resolution Number R-263823 Adopted AUG 6 1985

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