

(R-86-2505)

RESOLUTION NUMBER R-265721

ADOPTED ON MAY 13, 1986

WHEREAS, on February 19, 1986, the Board of Zoning Appeals considered the appeal of Trust Services of America, Incorporated, Trustee for Trust No. 74-8654, from the decision of the Zoning Administrator of their request to: 1) maintain a 122'0" wood fence ranging in height from 4'0" to 6'5" observing a 0'0" front yard and a 1'9" street side yard; 2) maintain a 66'0" retaining wall ranging in height from 3'0" to 4'0" observing a 0'0" front yard and a 1'9" street side yard; 3) maintain a 73'0" retaining wall 3'1" to 5'0" high, observing a 0'0" street side yard; and 4) maintain a 45'0" long fence 9'5" in height observing a 1'5" street side yard where a 15'0" front yard and a 5'0" street side yard are required, located at 6450 Camino de la Costa, Lot 1, Hermosa Terrace, Map No. 2353, in the R1-5000 Zone; and

WHEREAS, the Zoning Administrator denied Items 1) and 4), but approved Items 2) and 3) referenced above; and

WHEREAS, in arriving at their decision, the Board of Zoning Appeals considered the Zoning Administrator's decision and staff report, the plans and materials submitted prior to and at the public hearing, conducted an inspection of the subject property and heard public testimony presented at the hearing; 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. In addition, the Board of Zoning

Appeals found that the site may well contain hardship, but that the ample size of this site and the alternatives for legal construction of fences fully respond to that hardship, such that the variance approved by the Zoning Administrator is the minimal variance which would allow reasonable use of the subject property; and

WHEREAS, on May 13, 1986, the City Council considered the appeal of Trust Services of America, Incorporated, Trustee for Trust No. 74-8654, from the decision of the Board of Zoning Appeals, to deny Items 1) and 4) while approving Items 2) and 3) of the request; 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 Trust Services of America, Incorporation, Trustee for Trust No. 74-8654, is hereby granted and the decision of the Board of Zoning Appeals is overturned.

BE IT FURTHER RESOLVED, that the City Council hereby adopts the findings presented by the appellant. Said findings are attached hereto as Exhibit A.

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
06/10/86
Or.Dept:Clerk
R-86-2505
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FINDINGS FOR VARIANCE APPLICATION C-18811
6450 CAMINO DE LA COSTA, LA JOLLA
BLOCK 1, LOT 1, HERMOSA TERRACE

1. There are special circumstances and conditions applying to the subject property which do not apply generally to properties in the neighborhood.

The property is impacted by the unusual circumstance of two major coastal access routes terminating at the residence. The property is an oceanfront property with Palomar Avenue as its northern boundary. Palomar Avenue intersects with Neptune Place at the northwest corner of the property. The property fronts on Camino de la Costa, its eastern boundary.

The beach at the western boundary of the property is a very popular one. Palomar Avenue and Neptune Place provide direct access to this beach. Accordingly, these streets are heavily impacted by both vehicular and pedestrian traffic.

In addition, the property slopes fairly steeply towards the ocean. There is a difference in elevation of 11.1 feet between the front and back portions of the property. This factor had to be taken into account in locating the existing improvements on the property.

2. The circumstances are such that strict application of the provisions of the ordinance would deprive the applicant of the reasonable use of the property. The variance requested is the minimum necessary to accomplish this purpose.

The variance requested is needed for privacy and protection from passersby, from resultant noise and from the glare of car headlights at night. As discussed above, the property is severely impacted by all of these factors. The proposed height and location of the screen wall is the minimum required to mitigate the above impacts.

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.

The proposed screen wall is designed of attractive materials and well landscaped. It is compatible with the neighborhood, which has several fences, walls and hedges in close proximity to setbacks, all for the purpose of mitigating the impacts noted above.

EXHIBIT A

R- 265721

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Approval of the subject variance is in keeping with a longstanding policy and practice of taking into account the necessity to mitigate impacts associated with substantial public activity at all hours of the day and night due to proximity to the ocean and beach.

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MAY 13 1986

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

Councilmen	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" 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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> VACANT

AUTHENTICATED BY:

ED STRUIKSMA
Deputy Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By *June A. Blackwell*, Deputy.

(Seal)

Office of the City Clerk, San Diego, California

Resolution Number R-265721 Adopted MAY 13 1986