

(R-88-1105)

RESOLUTION NUMBER R-269707

ADOPTED ON NOVEMBER 10, 1987

WHEREAS, on August 19, 1987, the Board of Zoning Appeals considered the appeal of Lawrence P. Bogle, Case C-19621, from the approval of the Zoning Administrator of the request of Liliana Binner to final the permit for the construction of an addition to an existing single-family dwelling observing a 6'0" side yard where 8'0" is required, Lot 190, Muirlands West, Unit No. 5, Map 6300, located at 1997 Calle Madrigal, in the R1-20,000 Zone; and

WHEREAS, in arriving at their decision, the Board of Zoning Appeals considered the Zoning Administrator's decision, considered the staff report and 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, the Board of Zoning Appeals found that there were no topographic circumstances to approve the request, but that unusual circumstances were established in the chain of events leading to completion of the construction and an undue hardship would result if two (2) feet of the structure were required to be removed; and

WHEREAS, in view of the foregoing, the Board of Zoning Appeals believed that this variance, as approved, was the minimum necessary to avoid undue hardship; and

WHEREAS, the variance had been considered under the provisions of the zoning ordinance and following a noticed public hearing, had been approved. The variance was viewed as fulfilling the purpose and intent of the zoning regulations and was not seen as injurious to the neighborhood; and

WHEREAS, due to the localized nature of this request, adverse impacts on the General Plan for The City of San Diego were not anticipated; and

WHEREAS, in view of the foregoing, by a vote of four (4) to one (1), the Board of Zoning Appeals partially granted the appeal of Lawrence P. Bogle and, therefore, modified the decision of the Zoning Administrator to approve the request, subject to the following conditions:

1. The eave overhang (including gutter) shall be reduced to encroach a maximum of 1'6" beyond the edge of the building resulting in a 4'6" distance from the property line within sixty (60) days of the public hearing.

2. The landscaping shall be provided along the 45'1" of the wardrobe addition which observes a 6'0" side yard to screen the structure from adjacent property.

3. A grading plan shall be provided for the addition which controls drainage to reduce flow onto the adjacent property.

4. The variance shall be signed and notarized by the applicant and returned to the Zoning Administrator to be recorded with the County Recorder, within thirty (30) days of receipt of this resolution.

WHEREAS, on November 10, 1987, the City Council considered the appeal of Lawrence P. Bogle from the decision of the Board of Zoning Appeals; 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;

WHEREAS, the City Council adopted the findings of the Board of Zoning Appeals; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, by a vote of six (6) to one (1), District 1 in opposition, that the appeal of Lawrence P. Bogle is hereby denied.

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

APPROVED: JOHN W. WITT, City Attorney

By 
Allisyn L. Thomas
Deputy City Attorney

ALT:ta:mrh
11/10/87
Or.Dept:Clerk
R-88-1105
Form=r.none

NOV 10, 1987

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

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input checked="" 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"/>
District 4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
VACANT	<input 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"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Celia Ballesteros	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

(Seal)

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

By: *Jena M. Martin* Deputy.

Office of the City Clerk, San Diego, California

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