

(R-88-1233)

RESOLUTION NUMBER R-269757

ADOPTED ON NOVEMBER 17, 1987

WHEREAS, on June 17, 1987, the Board of Zoning Appeals considered the appeal of the partial approval of the Zoning Administrator of the request of Richard C. and Gloria C. Richley, Case C-19567, to construct a three (3) story addition to an existing single-family dwelling, consisting of: 1) a garage to observe an 8'0" setback; 2) a second-story deck (two hundred thirteen (213) square feet) observing a 2'0" setback; and 3) a third-story deck (forty-six (46) square feet) to observe a 4'0" setback where 10'0" is established. The subject property is described as Lot 7 of Sefton Park, Map 6061, located at 1895 Sefton Place, in the R1-5000 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 the request could not be approved as submitted. The applicants submitted into public testimony that the location of the Torrey Pines and tea trees and the topography constrained further development of the property. There was discussion regarding the plans submitted by the applicant which indicated two alternatives; one

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alternative showed the garage observing the setback. The Board questioned the Zoning Administrator's approval of the garage encroaching into the setback when plans showed the garage could observe the setback. In reviewing the two other encroachments requested by the applicants, the Board believed that only the second-story deck was supported by unusual circumstances. The 6'0" deck would provide the applicant minimum reasonable use given the construction of the garage and connection to the existing single-family dwelling. The Board did not believe there were any unusual circumstances to allow for a third-story deck to encroach into the street side yard; and

WHEREAS, in view of the foregoing, the Board of Zoning Appeals felt that this variance, as approved, was the minimum necessary to allow reasonable use as enjoyed by surrounding development; and

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

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

WHEREAS, in light of the foregoing, the Board voted to deny the appeal of Richard C. and Gloria C. Richley and modify the decision of the Zoning Administrator, to: 1) deny the garage observing an 8'0" setback; 2) approve a second-story deck (two hundred thirteen (213) square feet) observing a 4'0" setback; and

3) deny the third-story deck observing a 4'0" setback where 10'0" is established, subject to the following conditions:

1. The revised plans shall be submitted to and approved by Zoning Administration prior to the issuance of any building permits;

2. The revised plans shall show garage and third-story deck observing established setbacks;

3. The addition shall match the existing structure in texture and tone;

4. The project shall comply with all the requirements of the Building Inspection Department;

5. The addition shall be used solely by the occupants of the main dwelling, their guests or employees, shall not be rented, leased or sold as a separate dwelling unit, and shall not contain a kitchen or cooking facilities;

6. The variance shall be signed and notarized by the applicant and returned to Zoning Administration to be recorded with the County Recorder; and

WHEREAS, on November 17, 1987, the City Council considered the appeal of Richard C. and Gloria C. Richley, above noted, 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; and


WHEREAS, upon review, the City Council found the request to construct the second-story deck observing a 3'0" setback and a third-story deck observing a 4'0" setback, was for the purpose of saving a Torrey Pine and Austrian Tea Tree; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the appeal of Richard C. and Gloria C. Richley is hereby granted and the decision of the Board of Zoning Appeals is hereby modified to allow construction of: 1) a second-story deck (two hundred thirteen (213) square feet) observing a 2'0" setback; and 2) a third-story deck observing a 4'0" setback.

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

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Or.Dept:Clerk
R-88-1233
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NOV 17 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 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"/>	
District 4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	VACANT
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

AUTHENTICATED BY:

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

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

(Seal)

By *Bhanda R. Barner*, Deputy.

Office of the City Clerk, San Diego, California

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