

(R-88-1758)

RESOLUTION NUMBER R-270463

ADOPTED ON March 1, 1988

WHEREAS, the Zoning Administrator considered the request of Kellogg Owner's Association and Mr. and Mrs. H. M. Muir, to approve a variance to construct a 92'0" solid wall with a maximum height of 9'8" adjacent to a private driveway and consisting of (1) 20'0" of 9'8" high wall within the required front yard observing a 0'0" front yard at the closest point where 20'0" front yard is required; (2) 72'0" of 9'8" high wall observing a 0'0" side yard where a 6'0" side yard is required; (3) to build a maximum 7'6" high open vehicle/pedestrian gate observing a 14'0" front yard where a 20'0" front yard is required; (4) to maintain two pillars approximately 9'0" high located in the front yard where a maximum structure of 3'0" in height is permitted within the 20'0" front yard (the pillars are located on both sides of the existing private drive and encroach approximately 0'4" into the public right-of-way) - Portions of Pueblo Lots 105, 117 and 129 designated as "Road Easement" on Record of Survey Map 1844, located on the west side of San Gorgonio Street at Kellogg Street in the R1-10,000 zone; and

WHEREAS, in making her decision the Zoning Administrator considered the plans and materials submitted, the staff report and inspected the subject property; and

WHEREAS, the Zoning Administrator did not find special circumstances to approve the over-height columns, gates or walls

RECEIVED
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SAN DIEGO, CALIF.

TO: SAC, SAN DIEGO
FROM: SAC, LOS ANGELES
SUBJECT: [Illegible]

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within the required front yard or within 10'0" of the driveway to the Muir property to the north. The Zoning Administrator did find special circumstances to warrant a variance for an over-height wall within the side yard. The subject property is narrow and used for access only. The existing single-family home (Mr. and Mrs. Muir's) to the north of the proposed wall is approximately 5'0" higher in grade than the existing and proposed roadway and observes a side yard in excess of 10'0". The wall would provide the Muir residence with noise attenuation from traffic along the private driveway; and

WHEREAS, the variance would fulfill the purpose and intent of zoning regulations and was not seen as injurious to the neighborhood, the Zoning Administrator denied the variance as requested but approved to construct and maintain 62'0" of 9'8" high solid wall within the interior side yard behind the 20'0" front yard, terminating 10'0" short of the access driveway to the Muir residence on the west, subject to conditions; and

WHEREAS, on December 16, 1987, the Board of Zoning Appeals ("Board") considered the appeal of Kellogg Owner's Association, Inc., and Mr. and Mrs. H. M. Muir from the partial approval of the Zoning Administrator of the request for a variance in the instant case; and

WHEREAS, in arriving at its decision, the Board considered the staff report, decision of the Zoning Administrator, the plans and materials submitted prior to and at the public hearing, inspected the subject property and heard public testimony at the hearing; and

WHEREAS, the Board of Zoning Appeals found that the request could not be approved as submitted. The Board found that special circumstances existed to approve a portion of the request. The driveway is on private property which would not be adversely affected by the 62'0" over-height wall except for the wall within 10'0" of the Muir driveway. The Board believed that the two 9'0" pillars could be approved in that they had been in that location for over thirty years and were a landmark indicating the entrance to the private drive and address visibility. The Board did not find special circumstances for the remaining over-height wall or vehicle/pedestrian gate; and

WHEREAS, the Board voted to modify the decision of the Zoning Administrator and approve the request (1) for 62'0" of 9'8" high wall observing a 0'0" side yard where 6'0" side yard is required; and (2) to maintain two, approximately 9'0" high pillars located in the front yard where maximum 3'0" high solid structure is permitted, subject to conditions; and

WHEREAS, on March 1, 1988, the Council of The City of San Diego considered the appeal of the Kellogg Owner's Association and Mr. and Mrs. H. M. Muir, from the decision of the Board of Zoning Appeals in the instant case; and

WHEREAS, in arriving at its decision, the City Council considered the staff report, the decisions of the Zoning Administrator and Board of Zoning Appeals, the plans and materials submitted prior to and at the hearing and heard public testimony at the hearing; and

WHEREAS, after it considered the above and in light of the information submitted and testimony received, the City Council found it could approve the appeal as requested; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the appeal of the Kellogg Owner's Association and Mr. and Mrs. H. M. Muir, is hereby granted and the decision of the Board of Zoning Appeals is overturned, subject to the following conditions:

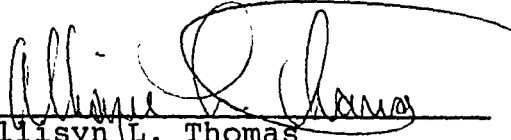
1. That the plans be submitted to and approved by the Zoning Administrator prior to the issuance of any building permits;

2. That appellant secure an encroachment permit from Engineering and Development for the two 9'0" pillars encroaching into the public right-of-way;

3. That this variance be signed and notarized by the appellants and returned to the Zoning Administrator to be recorded with the County Recorder, within thirty (30) days of receipt of this resolution.

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

APPROVED: JOHN W. WITT, City Attorney

By 
Allisyn L. Thomas
Deputy City Attorney

ALT:lc
03/08/88
Or.Dept:Clerk
R-88-1758
Form=r.none

MAR 01 1988

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"/>
Ron Roberts	<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"/>
H. Wes Pratt	<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"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<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.

(Seal)

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

By *Blonda B. Barnes*, Deputy.

Office of the City Clerk, San Diego, California

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