

(R-90-853)

RESOLUTION NUMBER R-274653

ADOPTED ON OCTOBER 30, 1989

WHEREAS, on October 30, 1989, the Council for The City of San Diego considered the appeal of Dennis William Bilden, applicant, by Lawrence R. Keller, Esq., Case No. C-20303, from the Board of Zoning Appeals' failure to overturn the decision of the Zoning Administrator to deny a requested Conditional Use Permit; and

WHEREAS, the applicant requested 1) to construct a guest house above an existing garage where such use is permitted by conditional use permit only; and 2) said second story guest house to observe 5'0" to 7'0" front yard abutting Mar Avenue where a 15'0" front yard is required (the existing garage observes a 5'0" to 7'0" front yard); and

WHEREAS, the applicant modified plans previously submitted and is no longer requesting a new second garage observing a 0'0" front yard abutting Oliver Street where a 15'0" front yard is required; and

WHEREAS, the subject property, 7650 Exchange Place, is in Zone RI-5000, in the Coastal Zone, Proposition "D" Height Limitation Zone, in the La Jolla Community Plan area, is more particularly described as Lots 1 through 3, Block 77, Villa Tract, La Jolla Park, Map-976, and a 10 ft. vacated portion of Mar Avenue; and

WHEREAS, in arriving at their decision, the City Council considered the staff report, action of the Board of Zoning

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Appeals, decision of the Zoning Administrator, the plans and materials submitted prior to and at the public hearing and public testimony presented at the hearing; and

WHEREAS, the City Council found with respect to the Conditional Use Permit, that construction of the guest house would not be detrimental to the community as there is access to it from the interior, views are not impaired and there is sufficient parking. The lot contains 15,000 square feet or more and the house only takes up 4,900 square feet, and the footprint over which the garage would be placed still permits an additional 10,000 square feet for parking. Finally, as this is a single family, there will be no noise impact; and

WHEREAS, the City Council found in regards to the variance that it is a neighborhood in which setbacks are exceedingly short and the subject property is a corner lot where it would be very difficult to comply with the setback requirements as shown by the original garage footprint. The City Council further found that unusual circumstances existed that were not of the applicant's making, specifically that the garage was not placed in its position by the applicant and to deny the variance would be unreasonable; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, as follows:

1. That the appeal of Dennis William Bilden, applicant, by Lawrence R. Keller, Esq., Case No. C-20303, is hereby granted and, accordingly, the action of the Board of Zoning Appeals is overturned, thus allowing for the construction of a guest house

above an existing garage where such use is permitted by conditional use permit only. The second story guest house shall observe a 5'0" to 7'0" front yard abutting Mar Avenue where a 15'0" front yard is required.

2. That the above-mentioned guest quarters shall be used solely by the occupants of the main dwelling, their guests and/or employees, shall not be rented, leased or sold as a separate dwelling unit and shall not contain a kitchen or cooking facilities.


3. That the applicant shall comply with all Uniform Building Code requirements and secure all necessary building permits.

4. That this Conditional Use Permit shall be signed and notarized by the applicant and returned to the Office of the City Clerk to be recorded with the County Recorder, within thirty (30) days of receipt of this resolution.

5. That the decision of the Council is final.

APPROVED: JOHN W. WITT, City Attorney

By


Allisyn L. Thomas
Deputy City Attorney

ALT:pev
11/22/89
Or.Dept:Clerk.
R-90-853
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OCT 30 1989

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 Struikma	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" 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 R. Paunes*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-274653 Adopted OCT 30 1989



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