

(R-90-2270)

RESOLUTION NUMBER R- 275802

ADOPTED ON MAY 29 1990


WHEREAS, on May 29, 1990, the Council of The City of San Diego considered the appeal of Ronald B. and Constance J. Reagan, from the decision of the Board of Zoning Appeals in granting a variance (Case C-20481), subject to certain conditions, to maintain a 402 square foot first and second story addition to a nonconforming single-family dwelling resulting in a floor area ratio of 0.76 where 0.60 is the maximum permitted (the dwelling observed a 0.63 floor area ratio prior to construction of this addition); the subject property is located at 3562 Moultrie Avenue, in zone R1-5000 in the Clairemont Mesa Community Plan area, and is further designated as Lot 41, Block 4, American Park Addition, Map-983; and

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

WHEREAS, the City Council found the variance to be diminuis and that the appellants proceeded without any conceivable mistake, and if they had buried the garage floor by three feet, the garage would have been exempt from the floor area ratio. Furthermore, no one from the general public was present at the hearing to protest the granting of the variance as requested; and

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WHEREAS, in view of the foregoing, the City Council believed that this variance as requested was the minimum necessary to allow reasonable use of the property; and

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


WHEREAS, due to the minimal nature of the request, adverse impacts on the General Plan for The City of San Diego are not anticipated; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the appeal of Ronald B. and Constance J. Reagan in Case C-20481 is hereby granted and the decision of the Board of Zoning Appeals in granting the variance with certain conditions is hereby overturned.

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

APPROVED: JOHN W. WITT, City Attorney

By

  
Allisyn H. Thomas  
Deputy City Attorney

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MAY 29 1990

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"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Linda Bernhardt	<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 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 *Ellen Board*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R 275802* Adopted *MAY 29 1990*