

Date..... January 22, 2007

RESOLUTION INITIATING THE REZONING OF 1703 AND 1707 E. MADISON  
AVENUE TO THE "R1-60" ONE-FAMILY LOW-DENSITY RESIDENTIAL  
DISTRICT AND IMPOSING A TEMPORARY MORATORIUM UPON  
DEVELOPMENT INCONSISTENT WITH THE REZONING

WHEREAS, the two properties at 1703 and 1707 E. Madison Avenue are occupied by single-family dwellings; and,

WHEREAS, both of the properties were rezoned by the City to the "M-1" Light-Industrial District making the dwellings non-conforming for zoning purposes and resulting in the following unintended consequences to the owners:

- (a) The existing dwellings cannot be enlarged or structurally altered, and cannot be repaired or replaced in the event they are damaged by more than 60% of their value by fire or any other cause, without relief from the Board of Adjustment;
- (b) The non-conforming status makes it more difficult to obtain insurance and mortgage financing; and,
- (c) The dwellings do not receive the benefit of the setbacks and buffering required of future commercial and industrial development for the protection of adjoining dwellings located in a residential district.

WHEREAS, Mary Ann Seymour, the resident owner of 1703 E. Madison Avenue, has asked that the City restore residential zoning to the two properties until the properties cease to be used for residential use; NOW THEREFORE,

BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. The City Council hereby initiates the rezoning of the properties at 1703 and 1707 E. Madison Avenue to from the "M-1" Light Industrial District previously imposed by the City, to the "R1-60" One-Family Low-Density Residential District consistent with the historic use of the properties. Such rezoning is hereby referred to the City Plan and Zoning Commission for report and recommendation.
2. Commencing immediately and continuing until March 28, 2007, no use of land or structures shall be commenced upon 1703 and 1707 E. Madison our upon any adjoining property unless such development is of a type, and is done in a manner, that would be allowed if the properties at 1703 and 1707 E. Madison were currently zoned to the "R1-60" One-family Low-Density Residential District. The City Staff shall not issue any permit for any such development prior to March 28, 2007.

( continued )

Date January 22, 2007

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3. Any party may by written application to the City Clerk request relief from the effect of temporary moratorium imposed by this resolution, where necessary to avoid unnecessary hardship. The application shall identify the basis for the applicant's contention that the moratorium is causing unnecessary hardship. The application shall be considered by the City Council at the first regularly scheduled Council meeting more than ten days following the date such application is filed with the City Clerk. If the City Council determines that the application of this resolution is causing the applicant unnecessary hardship, the City Council shall allow such relief as is necessary to remedy such unnecessary hardship.
4. The Community Development Department and Plan and Zoning Commission are hereby directed to diligently proceed with a review of the proposed rezoning of the property at 1703 and 1707 E. Madison to the "R-1" One-Family Low-Density Residential District.

( Sponsored by Council Member Mahaffey )

MOVED by \_\_\_\_\_ to adopt.

FORM APPROVED:



Roger K. Brown

Assistant City Attorney

C:\Rog\Zoning\Administration\RC Initiate rezoning.doc

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VCLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

Mayor

# CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk

**Proposed rezoning of the two single-family dwellings at  
1703 and 1707 E. Madison Avenue**

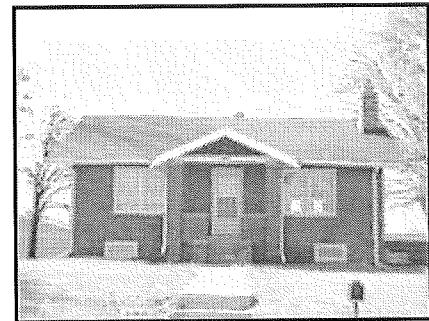
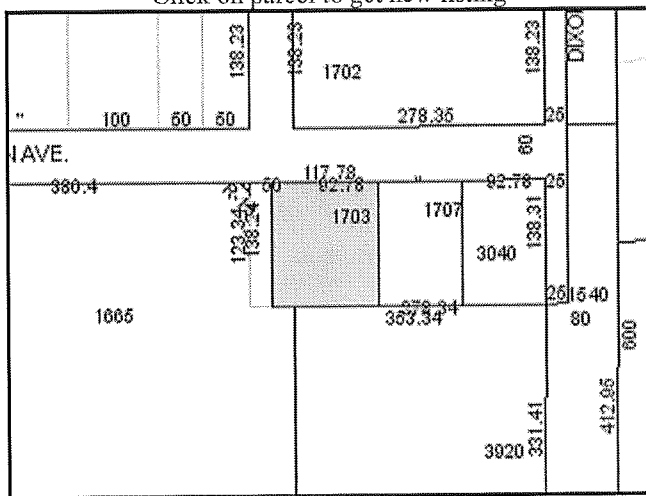


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District/Parcel	GeoParcel	Map	Nbhd	Jurisdiction	Status
110/04127-001-000	7924-24-377-003	1181	DM06/Z	DES MOINES	ACTIVE
School District	Tax Increment Finance District	Bond/Fire/Sewer/Cemetery			
1/Des Moines					
Street Address			City State Zipcode		
1703 E MADISON AVE			DES MOINES IA 50313-3931		

Click on parcel to get new listing

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Map](#)



Approximate date of photo 04/23/2000

Mailing Address
IKE L SEYMOUR 1703 E MADISON AVE DES MOINES, IA 50313-3931

Legal Description
E 25F LT C LYG W & ADJ & ALL LT 27 MC DONALD ACRES

Ownership	Name	Transfer	Book/Page	RevStamps
Title Holder #1	SEYMOUR, IKE L	02/13/1996	7342/114	40.80
Title Holder #2	SEYMOUR, MARY ANN			

Assessment	Class	Kind	Land	Bldg	AgBd	Total
Current	Residential	Full	6,300	61,900	0	68,200

[Market Adjusted Cost Report](#) [Estimate Taxes](#) [Polk County Treasurer Tax Information](#) [Pay Taxes](#)

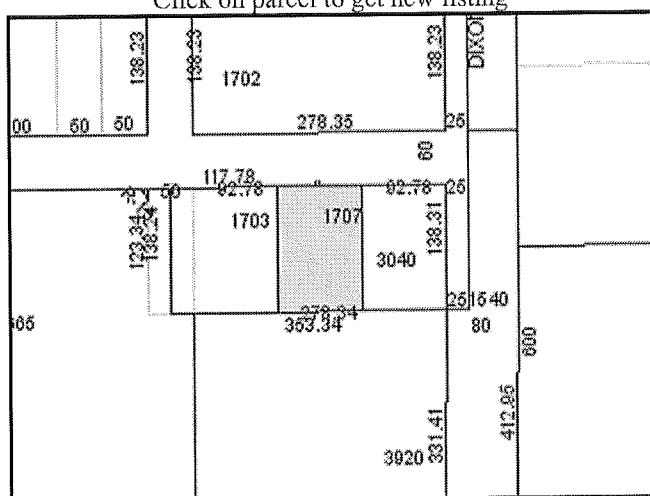
Zoning	Description	SF	Assessor Zoning

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1/Des Moines					
Street Address			City State Zipcode		
1707 E MADISON AVE			DES MOINES IA 50313		

Click on parcel to get new listing

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Map



Approximate date of photo 12/19/2006

### Mailing Address

FRANCES K GILBERT  
 6419 NE 29TH ST  
 ANKENY, IA 50021-9580

### Legal Description

LOT 28 MC DONALD ACRES

Ownership	Name	Transfer	Book/Page	RevStamps
Title Holder #1	GILBERT, FRANCES K	05/15/1987	5719/735	

Assessment	Class	Kind	Land	Bldg	AgBd	Total
Current	Residential	Full	4,800	58,300	0	63,100

[Market Adjusted Cost Report](#) [Estimate Taxes](#) [Polk County Treasurer Tax Information](#) [Pay Taxes](#)

Zoning	Description	SF	Assessor Zoning
M-1	Light Industrial District	12792	Industrial Light