



Roll Call Number

09. 1287

Agenda Item Number

75

Date July 13, 2009

REVIEW OF BOARD OF ADJUSTMENT DECISION TO AMEND A USE VARIANCE AT 2511 COTTAGE GROVE AVENUE

WHEREAS, on June 24, 2009 the City of Des Moines Zoning Board of Adjustment ("Board") voted 4-0 in favor of an application to amend a use variance to allow expansion of an existing restaurant and catering business at 2511 Cottage Grove Avenue, Des Moines, Iowa, which has been permitted by a previously granted use variance as amended, which amendment was approved by the City Council on May 18, 2009 by Roll Call No. 09-926. The Board's decision was filed of record on June 30, 2009; and

WHEREAS, Iowa Code Section 414.7 and City of Des Moines Municipal Code Section 134-65(d) provide that the City Council shall review the Board's decision within thirty (30) days after the decision is filed, and that after such review the Council may (1) remand the decision to the Board for further study; (2) approve the Board's decision; or (3) take no action. If the City Council declines to remand a decision, the Board's decision becomes final on the date of the Council's action; and

WHEREAS, Community Development staff has recommended that the City Council concur with the Board's decision and decline the option to remand this matter to the Board for additional review.

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

(Choose One)

X

The City Council CONCURS WITH AND APPROVES the June 30, 2009 decision of the Zoning Board of Adjustment to amend a use variance at 2511 Cottage Grove Avenue. The Board's decision shall become final on the date of this action.

The City Council DECLINES TO REVIEW the Zoning Board of Adjustment's decision. The Board's decision shall become final on July 31, 2009.

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The City Council REMANDS the Zoning Board of Adjustment's decision to the Board for further study.

Moved by Hensley to adopt.  
(Council Communication No. 09- 486 )

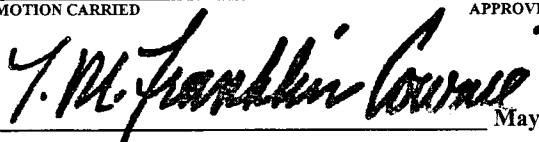
APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael F. Kelley  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			

MOTION CARRIED

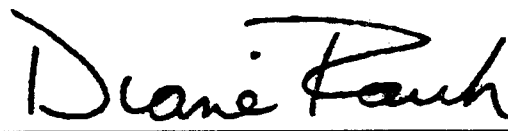
APPROVED

  
\_\_\_\_\_  
T. M. Franklin  
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.

  
\_\_\_\_\_  
Diane Rauh  
City Clerk