

★ Roll Call Number

10-989

Agenda Item Number

80

Date June 14, 2010

Date

REVIEW OF BOARD OF ADJUSTMENT DECISION TO GRANT A USE VARIANCE AT 5101 S.E. 40TH STREET

WHEREAS, on April 29, 2009 the city of Des Moines Zoning Board of Adjustment ("Board") voted 4-1 in favor of retention of a contractor's storage yard in the A-I Agricultural District for a period of no more than six (6) months at 5101 S.E. 40th Street, Des Moines, Iowa. The Board's decision was ratified and filed of record on May 26, 2010; 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 that the City Council receive, file and take no further action on this matter.

APPROVED AS TO FORM:

Moved by Meyer to adopt.

Michael F. Kelley, Assistant City Attorney

(Council Communication No. 10.365)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN				✓
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	6			1
MOTION CARRIED		APPROVED		

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.

T. M. Franklin Council Mayor

Diane Rauh City Clerk