

★ Roll Call Number

12-0777

Agenda Item Number

17

Date May 21, 2012

RESOLUTION SCHEDULING HEARING ON APPEAL BY JAMES TULLY
FROM DECISION OF THE HISTORIC PRESERVATION COMMISSION
REGARDING THE PROPERTY AT 409 FRANKLIN AVENUE

WHEREAS, on April 18, 2012, the Historic Preservation Commission conditionally approved an application from James Tully for a Certificate of Appropriateness to retain a 6-foot tall fence recently constructed in the east side yard and rear yard of the single-family dwelling at 409 Franklin Avenue, subject to the following conditions:

1. The portion of the fence that faces Franklin Avenue and the southern 8 feet of the east facing fence segment shall be converted to a 4-foot tall picket fence that complies with the following:
 - a. The picket tops shall be cut to match the tops of the existing pickets.
 - b. The pickets shall run between the posts so the posts are fully exposed.
 - c. Spaces shall be provided between pickets that are generally equal to the width of a picket.
 - d. The fence shall step along a grade change at intervals set by the length between the posts and not at variable lengths or with a continuously straight top edge.
 - e. The space between posts shall be uniform, and no less than 4 feet and no greater than 14 feet in distance.
2. All posts shall extend a minimum and uniform distance above the pickets.
3. A fence permit shall be obtained from the City's Permit and Development Center.

WHEREAS, James Tully has appealed the Commission's decision to the City Council pursuant to §58-31(f) of the Des Moines Municipal Code, and seeks to be allowed to retain the fence as constructed.

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

1. The appeal by James Tully is hereby down set for a public hearing before the City Council on June 11, 2012, at 5:00 p.m., in the Council Chambers, at City Hall, Des Moines, Iowa.
2. The City Clerk is hereby authorized and directed to publish notice of said hearing in the form hereto attached all in accordance with §362.3 of the Iowa Code.

MOVED by Wesley to adopt.

(continued)

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-2-

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FORM APPROVED:

Roger K Brown

Roger K. Brown

Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

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.

MOTION CARRIED

APPROVED

T. M. Franklin
Mayor

Diane Rauh

City Clerk