



Roll Call Number

15-1385

Agenda Item Number

37

Date August 10, 2015

**REVIEW OF ZONING BOARD OF ADJUSTMENT DECISION
GRANTING A VARIANCE FROM SEPARATION REQUIREMENT TO ALLOW AN
OUTDOOR PET EXERCISING AREA ACCESSORY TO A VETERINARY CLINIC
USE ON THE PROPERTY AT 3451 HUBBELL AVENUE**

WHEREAS, on July 22, 2015, the Zoning Board of Adjustment voted 6-0 to approve an application from MW Veterinary Properties, LC (applicant) for a variance of the separation requirement that any outdoor exercise runway for an animal hospital, veterinary clinic, or kennel be at least 200 feet from any "R" District boundary, as set forth in Municipal Code Section 134-947(c)(1), to allow for an outdoor pet exercising area accessory to a veterinary clinic use on the real property locally known as 3451 Hubbell Avenue; and

WHEREAS, the proposed outdoor exercise area is located within approximately 40' of an "R1-60" One-Family Low-Density Residential District; and

WHEREAS, the Board found that the proposed outdoor animal exercising area would be in harmony with the essential character of the locality of the land in question so long as it is screened by a 6-foot tall opaque fence, and that the applicant demonstrated an unnecessary hardship as all portions of the subject property are either within 200 feet of an "R" District or along Hubbell Avenue; and

WHEREAS, Iowa Code §414.7 and Section 134-65(d) of the Zoning Ordinance require that any variance from a separation requirement granted by the Board be forwarded to the City Council for its review, and the City Council may remand the variance of the separation requirement back to the Zoning Board of Adjustment for further study if the Council believes the variance was improperly granted.

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

ALTERNATIVE RESOLUTIONS

- A The City Council remands the Decision and Order to the Zoning Board of Adjustment for further study. The effective date of the Board's decision will be deferred for 30 days from the date of this remand.
- B The City Council takes no action to review the Decision and Order. The decision of the Board will become final on August 27, 2015.
- C The City Council declines to remand the decision to the Zoning Board of Adjustment. The decision of the Board becomes final on this date.

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(Council Communication No. 15-437)

MOVED by Mahaffey to receive and file the staff report and comments received, and to adopt alternative C, above.

APPROVED AS TO FORM:

Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	7			
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