

★ Roll Call Number

15-1912

Agenda Item Number

53

Date November 9, 2015

REVIEW OF ZONING BOARD OF ADJUSTMENT DECISION GRANTING A USE VARIANCE TO ALLOW EXPANSION OF AN EXISTING AUTO BODY REPAIR SHOP USE IN THE VICINITY OF 1157 15TH STREET

WHEREAS, on October 28, 2015, the Zoning Board of Adjustment voted 7-0 to approve an application from ASA, LLC, doing business as Action Auto Body (applicant) for a use variance to allow real property in the vicinity of 1157 15th Street to be used for expansion of an existing auto body repair shop to include a new structure measuring 6,240 square feet, for a total of 10,923 square feet of building area for the auto body repair use, subject to certain conditions set forth in the Decision and Order of the Board; and

WHEREAS, Iowa Code §414.7 and Section 134-65(d) of the Zoning Ordinance require that any use variance granted by the Board be forwarded to the City Council for its review, and the City Council may remand the use variance 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 December 4, 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.

(Council Communication No. 15- 600)

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

APPROVED AS TO FORM:
Glenna K. Frank, Assistant City Attorney

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

MOTION CARRIED

APPROVED

Y. M. Franklin Council 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