



Roll Call Number

18-0078

Agenda Item Number

53

Date January 8, 2018

REVIEW OF ZONING BOARD OF ADJUSTMENT DECISION GRANTING AN USE VARIANCE TO ALLOW TWO RESIDENTIAL DWELLING UNITS AT 1517 23<sup>RD</sup> STREET

WHEREAS, GNY Investments, LLC, as property owner, has requested an Use Variance to resume use of the existing structure located at 1517 23<sup>rd</sup> Street as a multi-family residential structure containing up to four (4) dwelling units rather than as a single-family dwelling as required by the applicable zoning district; and

WHEREAS, on December 20, 2017, the Zoning Board of Adjustment voted 5-2 to approve an application from GNY Investments, LLC for variance of the permitted principal uses (Use Variance) in the "R1-60" One-Family Low-Density Residential District, in order for the structure to be used for two (2) residential dwelling units, and the Board found that the use of the structure for two dwelling units would be consistent with the PlanDSM: Creating Our Tomorrow Future Land Use Plan property designation of Low Density Residential including "areas developed with primarily single-family and two-family residential units"; 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 January 27, 2018.
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. 18- D11 )

MOVED by Gray to receive and file the staff report and comments received, and to adopt alternative A0, above.

APPROVED AS TO FORM:

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

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
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