

Date November 6, 2023

**RESOLUTION HOLDING HEARING ON REQUEST FROM RIVA WALTERS
APPEALING A CONDITIONAL APPROVAL OF CERTIFICATE OF APPROPRIATENESS TO
ALLOW CONSTRUCTION OF A FENCE IN THE FRONT YARD OF 685 20TH STREET**

WHEREAS, Riva Walters, owner of real property locally known as 685 20th Street (the “Property”), has made application for a Certificate of Appropriateness to install a new black ornamental fence in the front yard; and

WHEREAS, on August 16, 2023, after notice, the Historic Preservation Commission (“HPC”) considered said request and issued a decision granting approval of a certificate of appropriateness for the proposed fencing, subject the following conditions: (1) The fence shall be set back from the front property line and align with the gate at the top of the front walkway steps, and (2) compliance with all applicable Building Codes and the fence shall be constructed in accordance with a fence permit as issued by the Permit and Development Center; and

WHEREAS, on September 20, 2023, Jennifer De Kock, legal counsel for Riva Walters, filed a written appeal with the City Clerk on behalf of her client, Riva Walters; and

WHEREAS, on October 2, 2023, by Roll Call No. 23-1378, the City Council extended the appeal deadline for this item and recognized legal counsel’s submitted appeal as timely; and

WHEREAS, Des Moines Municipal Code Section 58-62(f) provides that the recommendation of the Historic Preservation Commission is to be heard and considered in a public hearing before the City Council, to be set upon reasonable notice and with the opportunity for those interested both for and against to be heard; and

WHEREAS, on October 2, 2023, by Roll call number 23-1379 it was duly resolved by the City Council that the request for approval of the Certificate of Appropriateness be set down for hearing on October 23, 2023, at 5:00 p.m., in the Council Chambers; and

WHEREAS, due notice of said hearing was published in the Des Moines Register, as provided by law, setting forth the time and place for hearing on said proposed Certificate of Appropriateness; and

WHEREAS, on October 23, 2023, by Roll call number 23-1495 it was duly resolved by the City Council that the hearing regarding this request be continued to November 6, 2023, at 5:00 p.m., in the Council Chambers; and

WHEREAS, in accordance with said notice, those interested in said proposed Certificate of Appropriateness, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council.



Roll Call Number

23-1576

Agenda Item Number

48

Date November 6, 2023

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

ALTERNATIVE RESOLUTIONS

- A. The proposed Certificate of Appropriateness is hereby approved, subject to the following conditions: (1) The fence shall be set back from the front property line and align with the gate at the top of the front walkway steps, and (2) compliance with all applicable Building Codes and the fence shall be constructed in accordance with a fence permit as issued by the Permit and Development Center.
- B. The proposed Certificate of Appropriateness is hereby approved, subject to the following condition: (1) compliance with all applicable Building Codes and the fence shall be constructed in accordance with a fence permit as issued by the Permit and Development Center.

Moved by Mandelbaum to adopt alternative B above.

Second by Gatto.

APPROVED AS TO FORM:

/s/ Lisa A. Wieland
Lisa A. Wieland
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6			

CERTIFICATE

I, LAURA BAUMGARTNER, 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

J. M. Franklin Cownie Mayor

Laura Baumgartner City Clerk