



Roll Call Number

14-0733

Agenda Item Number

47

Date May 5, 2014

REVIEW OF ZONING BOARD OF ADJUSTMENT DECISION GRANTING
A USE VARIANCE TO ALLOW PROPERTY AT 1617 OAKLAND AVENUE
TO BE USED AS A BOARDINGHOUSE

WHEREAS, on April 23, 2014, the Zoning Board of Adjustment voted 6-0 to approve an application from Kelli Wulfekuhle for a use variance to allow property at 1617 Oakland Avenue, to be used as a boardinghouse, subject to the following conditions:

1. Any boardinghouse use of the existing dwelling shall not have any more than eight (8) boarders and one (1) resident manager at any given time.
2. Any conversion of the existing dwelling to a boardinghouse shall comply with all applicable Building Codes with issuance of all necessary permits by the Permit and Development Center.
3. Any boardinghouse use of the existing dwelling shall comply with the Neighborhood Inspection Rental Code set forth in Chapter 60, Article I, of the City Code.
4. Any Boardinghouse shall be in accordance with a Site Plan approved by the Plan and Zoning Commission under Section 134-552(3) and Section 82-214.05 of the City Code.
5. Should any boardinghouse use of the property under this Decision and Order display a pattern of use which is contrary to the general health, safety and welfare of the surrounding neighborhood, the Zoning Enforcement Officer shall have the ability to bring the Use Variance back to the Board for reconsideration.

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 use variance was improperly granted.

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

(continued)

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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 May 28, 2014.
- 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. 14- 204)

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

FORM APPROVED:

Roger K. Brown

Roger K. Brown

Assistant City Attorney

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

Diane Rauh City Clerk