



Roll Call Number

23-1378

Agenda Item Number

74A

Date October 2, 2023

CONSIDERATION OF AN EXTENSION OF TIME IN WHICH TO FILE AN APPEAL OF A CONDITIONAL APPROVAL OF A CERTIFICATE OF APPROPRIATENESS ON PROPERTY LOCATED AT 685 20TH STREET

WHEREAS, on August 16, 2023, after notice, the Historic Preservation Commission ("HPC") considered a request from Riva Walters, owner, to install a new black ornamental fence in the front yard of 685 20th Street, Des Moines; and

WHEREAS, the HPC 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, Municipal Code 58-62(e)(2) provides that any party aggrieved to such a decision of the HPC must file a written appeal with the City Clerk within 10 business days of the HPC resolution; and

WHEREAS, on September 6, 2023, Jennifer De Kock, legal counsel for Riva Walters, requested an extension of said appeal deadline by 10 additional business days due to said legal counsel's exposure and recovery from COVID-19, so legal counsel could speak with neighbors and gather evidence in support of the appeal; and

WHEREAS, on September 20, 2023, ten business days after submitting the request for extension, Jennifer De Kock, filed a written appeal with the City Clerk on behalf of her client; and

WHEREAS, City staff are supportive of extending the appeal deadline as requested.

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

ALTERNATIVE RESOLUTIONS

A The City Council hereby extends the appeal deadline for a period of ten additional business days and the submission of the written appeal is deemed timely.

B The City Council declines to extend the appeal deadline. The decision of the HPC is final, as no appeal was timely filed.



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(Council Communication No. 23-430)

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

SECOND by Gatto

FORM APPROVED:

/s/ Lisa A. Wieland

Lisa A. Wieland
Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, MANDELBAUM, VOSS, WESTERGAARD, and TOTAL. Includes MOTION CARRIED and APPROVED labels.

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.

J. M. Franklin Cownie Mayor

Laura Baumgartner City Clerk