MEETING PROCEDURE:
The meeting is an open and informal meeting that is recorded and broadcast on DMTV Mediacom Cable Channels 7.1 and 7.2. The Board members receive copies of the agenda and staff recommendations before the meeting. Copies of the agenda and staff recommendations are available to the general public.

The Board is required to base its decision on each case upon the criteria established by law for the type of relief sought by the applicant. The law applicable to each case is identified in the written staff report. If the facts, as determined by the Board, demonstrate that the criteria established by law for granting the request have been satisfied, then the Board must grant the request. Otherwise, the Board must deny the request. All speakers are requested to focus their comments upon those facts that demonstrate whether or not the criteria established by law have been satisfied. All material used as part of any presentation must be submitted as a part of the permanent record and will not be returned.

Items listed on the Consent Public Hearing Items portion of the agenda will not be individually discussed and will be considered for approval in accordance with the recommendation in the staff report unless an individual present or member of the Board requests that the item be removed from the Consent Public Hearing Items portion agenda and separately considered under the Non-Consent Public Hearing Items portion of the agenda. Each appeal will be announced in the order it appears on the agenda and then City staff will present a brief explanation of the appeal. Any written comments received by staff prior to the hearing will be distributed to the Board for review.

All speakers are requested to speak from the podium and to start their presentation by giving their name and address. After staff introduces a request, the appellant or a representative of the appellant is allowed to speak first, and will be allowed ten minutes to present the appeal. Anyone else present in support of the appeal will then be allowed five minutes to present their comments. Anyone present in opposition to the appeal will then be allowed five minutes each to present their comments. The appellant/representative will then be allowed three minutes for rebuttal or other closing comments. The hearing will then be closed to public comment and the Board will make a decision. The decision and the reason will be announced.

The Board has 7 members. It takes the affirmative vote of at least 4 members to grant any appeal or request, regardless of the number of members actually present at any meeting. If 5 or fewer members of the Board are present when the Chair calls an Item, the applicant may request that the Item be continued until the next monthly meeting to have the opportunity to present the matter to a full Board. The request should be made as soon as the Chair calls the Item and before the staff report is given. The Board has discretion to grant or deny any such request. If a continuance is granted, there is no guarantee that more members of the Board will be present at the next meeting.

Following the meeting, any person or persons, jointly or severally, aggrieved by any decision of the board of adjustment under the provisions of this chapter, or any taxpayer, or any officer, department, board, or bureau of the municipality, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the board.

The City of Des Moines is pleased to provide accommodations to disabled individuals or groups and encourages participation in City government. To better serve you, please contact City staff at least three business days in advance when possible at 515-283-4209, should special accommodations be required. Assistive Listening Devices are available for meetings in the Council Chambers.

DART will provide public transportation to and from a City of Des Moines meeting held at the Richard A. Clark Municipal Services Center at 1551 East Martin Luther King Jr. Parkway. Transportation can be scheduled to and from DART Central Station at 620 Cherry Street. To reserve your route, please call DART On Call Scheduling at (515) 283-8136. Calls for trips will be accepted up to 5:00 PM the day before the meeting. Be sure to mention in your request that you require transportation for a City of Des Moines meeting.

If you have questions, please contact City staff at 515-283-4257 or visit the Zoning Board of Adjustment’s website at http://www.dmgov.org/government/boards/ZoningBoardofAdjustment.
****** BEGIN CONSENT PUBLIC HEARING ITEMS ******
****** ITEMS 1 THROUGH 4 ******
Each Item listed on this portion of the agenda will be reviewed in turn by the Board, at which time the Item will either be approved or forwarded to the Non-Consent Public Hearing portion of the agenda for further discussion and action.

<table>
<thead>
<tr>
<th>Item 1</th>
<th>ZON 2019-00184</th>
<th>Moravek, 1749 Mar-Ella Trail</th>
<th>Exception</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appellant:</td>
<td>David Moravek, 1749 Mar-Ella Trail, Des Moines, IA 50310.</td>
<td></td>
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<tr>
<td>Premises Affected:</td>
<td>1749 Mar-Ella Trail.</td>
<td></td>
<td></td>
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<tr>
<td>Legal Description:</td>
<td>Lot 1 of Hollandale.</td>
<td></td>
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<tr>
<td>Current Zoning:</td>
<td>“R1-60” One-Family Low-Density Residential District.</td>
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<tr>
<td>Applicable Neighborhood Association:</td>
<td>Beaverdale &amp; Drake Neighborhood Associations.</td>
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<tr>
<td>Proposal:</td>
<td>Construction of a 24-foot by 24-foot (576 square feet) accessory structure that would have a maximum height of 17.4 feet.</td>
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</tr>
<tr>
<td>Appeal(s):</td>
<td>Exception of 0.4 feet over the maximum 17 feet of height allowed for an accessory structure.</td>
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</tbody>
</table>

Required by City Code Section 134-484(6)(b)

<table>
<thead>
<tr>
<th>Item 2</th>
<th>ZON2019-00187</th>
<th>RCS-Capital Square, LLC, 400 Locust Street</th>
<th>Conditional Use Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appellant:</td>
<td>RCS-Capital Square, LLC, represented by Brian Mistysyn, 371 Centennial Parkway, Suite 200, Louisville, CO 80027. The business would be operated as Ricochet, represented by Brad Argo, 1918 Leyner Street, Des Moines, IA 50314. A portion of the proposed patio would be on property owned by the City of Des Moines, represented by Phil Wageman, 400 Robert D. Ray Drive, Des Moines, IA 50309.</td>
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<tr>
<td>Premises Affected:</td>
<td>400 Locust Street.</td>
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<td></td>
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<tr>
<td>Legal Description:</td>
<td>On file with Community Development Department.</td>
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</tr>
<tr>
<td>Proposal:</td>
<td>The Conditional Use Permit would allow use of a maximum 9,500-square foot area within the southern portion of the ground level of the building, and an 827-square foot patio along the east side of the building, for a recreational game room use, which would include the sale of alcoholic liquor, wine, and/or beer</td>
<td></td>
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</tr>
<tr>
<td>Appeal(s):</td>
<td>Conditional Use Permit for a tavern-type use selling alcoholic liquor, wine, and/or beer.</td>
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</tbody>
</table>

Required by City Code Section 134-954
**Item 3** | **ZON 2019-00192** | **Valero, 4000 Colfax Avenue** | **Exception**
---|---|---|---
**Appellant:** Josecito Valero, 2751 Boyd Street, Des Moines, IA 50317.  
**Premises Affected:** 4000 Colfax Avenue.  
**Legal Description:** On file with the Community Development Department.  
**Current Zoning:** "R1-60" One-Family Low-Density Residential District.  
**Applicable Neighborhood Association:** Douglas Acres Neighborhood Association.

**Proposal:** Construction of a 55-foot by 45-foot (2,475 square feet) accessory structure that would be connected to the rear of an existing structure by a 6-foot long connection. The structure would be 1-story with a maximum height of 25.5 feet.

**Appeal(s):** Exception of 8.5 feet over the maximum 17 feet of height allowed for an accessory structure.

*Required by City Code Section 134-414(6)(b)*

**Item 4** | **ZON 2019-00199** | **Newbury Living, 401 Southeast 6th Street** | **Exceptions**
---|---|---|---
**Appellant:** Newbury Living, represented by Frank Levy, 3408 Woodland Avenue, Suite 504, West Des Moines, IA 50266. The property is owned by the City of Des Moines, represented by Phil Wageman, 400 Robert D. Ray Drive, Des Moines, IA 50309.  
**Premises Affected:** Vicinity of 401 Southeast 6th Street.  
**Legal Description:** On file with Community Development Department.  
**Current Zoning:** "C-3B" Central Business Mixed Use District.  
**Applicable Neighborhood Association:** Historic East Village Neighborhood Association.

**Proposal:** Construction of an off-street parking lot to serve a multiple-family residential structure being developed on the site, where the pavement would be within 2.5 feet of the north (front) property line along Raccoon Street and where the 60-degree angle parking spaces would measure 16 feet deep.

**Appeal(s):** Exception of 2.5 feet less than the minimum required 5 feet of paving setback required from a front property line.  

Exception of 1 foot less than the minimum 17 feet of depth required for 60-degree angle parking spaces.

*Required by City Code Sections 134-1377(f)(2)(b)(1) & 134-1377(g)*

****** END CONSENT PUBLIC HEARING ITEMS ******
**BEGIN DISCUSSION PUBLIC HEARING ITEMS**

<table>
<thead>
<tr>
<th>Item</th>
<th>ZON 2019-00180</th>
<th>Zoning Enforcement Officer / Wilson, 525 East Grand Avenue</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Reconsideration or Amendment of Conditional Use Permit</td>
<td></td>
</tr>
</tbody>
</table>

**Appellant:** City of Des Moines Zoning Enforcement Officer, 602 Robert D. Ray Drive, Des Moines, IA 50309. The property is owned by Joel & Nancy Wilson, 901 Walker Street, Des Moines, IA 50316. The business is operated by Roof Top Bar, LLC, represented by Uriah Mixdorf, 515 East Grand Avenue, 2nd Floor, Des Moines, IA 50309.

**Premises Affected:** 525 East Grand Avenue.

**Legal Description:** On file with Community Development Department.

**Current Zoning:** “C-3B” Central Business Mixed Use District.

**Applicable Neighborhood Association:** Historic East Village Neighborhood Association.

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**Part A**

**Proposal:** The Zoning Enforcement Officer is requesting that the Conditional Use Permit (Docket ZON2010-00137 as granted on August 25, 2010) that allows use of an 85-foot by 45-foot (3,825 square feet) area atop the existing building for a tavern use, be reconsidered since the operation of the business has become detrimental to the neighborhood and has exhibited a pattern of violating the conditions set forth in the Conditional Use Permit.

**Appeal(s):** Reconsideration of a Conditional Use Permit for a tavern selling liquor, wine and/or beer.

*If the Board DOES NOT revoke the Conditional Use Permit listed in Part A, the Board shall consider Part B:*

**Part B**

**Proposal:** The business operator (Roof Top Bar) is requesting that the Conditional Use Permit (Docket ZON2010-00137 as granted on August 25, 2010) that allows use of an 85-foot by 45-foot (3,825 square feet) area atop the existing building for a tavern use, be amended to either eliminate or revise the conditions that state “Live outdoor music on any rooftop patio shall be limited to non-amplified performances” and “Any outdoor sound or music on any rooftop patio shall be limited to levels that would be considered background auditory in nature.”

**Appeal(s):** Amendment to a Conditional Use Permit for a tavern selling liquor, wine and/or beer.

*Required by City Code Section 134-954 & Docket ZON2010-00137*
Item 6  ZON 2019-00181  Brightwell, 1514 Douglas Avenue  Variance

**Appellant:** Randall Brightwell, 1514 Douglas Avenue, Des Moines, IA 50310.
**Premises Affected:** 1514 Douglas Avenue.
**Legal Description:** Lot 10 of Block 17 of Oak Park.
**Current Zoning:** “R1-60” One-Family Low-Density Residential District.
**Applicable Neighborhood Association:** Beaverdale Neighborhood Association.

**Proposal:** Retention of a fence with a maximum height of 6 feet along the west property line within the front yard area. The fence is also within the 15-foot vision clearance triangle for the existing driveway.

**Appeal(s):** Variance of up to 3 feet over the maximum 3-foot fence height allowed for a fence within the minimum required front yard setback.

*Required by City Code Sections 134-1296(i)(3)(a) & 134-1296(i)(1)(b)*

Item 7  ZON 2019-00182  Zoning Enforcement Officer / Coppolas, LLC  Reconsideration of Conditional Use Permit

**Appellant:** City of Des Moines Zoning Enforcement Officer, 602 Robert D. Ray Drive, Des Moines, IA 50309. The property is owned by Coppolas, LLC, represented by Sandra Coppola Losh, 300 Walnut Street, Suite 240, Des Moines, IA 50309. The business is operated at Tipsy Crow Tavern, represented by Steve McFadden, 102 3rd Street, Des Moines, IA 50309.
**Premises Affected:** 102 3rd Street. (The business is on a parcel known as 101 4th Street.)
**Legal Description:** On file with Community Development Department.
**Current Zoning:** “C3-R” Central Business District Mixed-Residential District.
**Applicable Neighborhood Association:** Downtown Des Moines Neighborhood Association.

**Proposal:** The Zoning Enforcement Officer is requesting that the Conditional Use Permit (Docket ZON2018-00118 as granted on July 25, 2018) that allows use of a 2,673-square foot building and a 6,326-square foot patio for a tavern use, be reconsidered since the operation of the business has exhibited a pattern of violating the conditions set forth in the Conditional Use Permit.

**Appeal(s):** Reconsideration of a Conditional Use Permit for a tavern selling liquor, wine and/or beer.

*Required by City Code Section 134-954 & Docket ZON2018-00118*
**Item 8**

| ZON 2017-00183 | Local 234 IUOE, 4880 Hubbell Avenue | Variances |

**Appellant:** Local 234 International Union of Operation Engineers, represented by Tracy Petersen, 4880 Hubbell Avenue, Des Moines, IA 50317.

**Premises Affected:** 4880 Hubbell Avenue.

**Legal Description:** On file with Community Development Department.

**Current Zoning:** “C-2” General Retail and Highway-Oriented Commercial District.

**Applicable Neighborhood Association:** None.

**Proposal:** Installation of a 4-foot by 7-foot (28 square feet) sign on the side of an entry canopy located at the east end of the building.

**Appeal(s):**

- Variance of the provision that requires any freestanding (non-wall-mounted) sign be a monumental or sandwich board sign.

  Variance to the definition of “sign, freestanding monument”, which requires a sign base that extends from grade to the bottom of the sign face across the entire width of the sign face.

  *Required by City Code Sections, 134-3(definition of sign, freestanding monument) & 134-1276(p)(4)*

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**Item 9**

| ZON 2019-00188 | Grace Evangelical Lutheran Church, 5201 Urbandale Avenue | Special Permit |

**Appellant:** Grace Evangelical Lutheran Church, represented by Donald Peterson, 5201 Urbandale Avenue, Des Moines, IA 50310.

**Premises Affected:** 5201 Urbandale Avenue.

**Legal Description:** On file with Community Development Department.

**Current Zoning:** “R1-60” One-Family Low-Density Residential District.

**Applicable Neighborhood Association:** Merle Hay Neighborhood Association.

**Proposal:** Construction of a 10-foot by 14-foot pergola structure that would be within 15 feet of the east (front) property line along 52nd Street. The pergola would include a cabinet with compartments that would be used as a “Little Free Pantry”.

**Appeal(s):** Special Permit for an institution of religious character.

*Required by City Code Section 134-1326(4)*
Item 10  ZON 2019-00190  Dewater, 3607 Southwest 38th Street  Variance

Appellant: Matthew & Jacquelyn Dewater, 3607 Southwest 38th Street, Des Moines, IA 50321.
Premises Affected: 3607 Southwest 38th Street.
Legal Description: Lot 19 of Southern Wood Plat No 1.
Current Zoning: “R1-80” One-Family Residential District.

Proposal: The Variance would allow up to 1,575 square feet of paved area within the front yard area that would be used for driveway and off-street parking purposes. The additional paving would be used to provide access to a driveway along the south side of the dwelling that would provide access to a detached garage in the rear yard area.

Appeal(s): Variance of up to 700 square feet over the maximum 875 square feet of area (25%) allowed for driveway and off-street parking purposes in a front yard that measures 3,500 square feet in area.

Required by City Code Section 134-1377(m)(3)

Item 11  ZON 2019-00191  Owen, LLC, 3320 & 3324 Crescent Drive  Appeal Determination or Variance

Appellant: Owen, LLC, represented by Jerrod Johnson, PO Box 181613, Denver, CO 80218.
Premises Affected: 3320 & 3324 Crescent Drive.
Legal Description: On file with Community Development Department.
Current Zoning: “R1-60” One-Family Low-Density Residential District.

Proposal: Provision of easements on the rear of each property that is within 5 feet of the rear of each dwelling. The easements contain an existing parking lot that serves the residents of the apartment building on a property to the south.

PART A)

Appeal(s): Appeal of the Zoning Enforcement Officer’s determination that the easements for the commercial parking lot on the rear yards of the single-family residential parcels eliminate that required setbacks and yard open space requirements for the dwellings.

Required by City Code Section 134-63

If the Board determines upholds the Zoning Enforcement Officer's determination, the Board shall consider the following:

PART B)

Appeal(s): Variance of 25 feet less than the minimum required 30-foot rear yard setback.

Variance to the definition of “yard”, which is defined as “an open space on the same lot with a building or structure unoccupied and unobstructed by any portion of a structure from 36 inches above the general ground level of the graded lot upward, but not including such things as yard recreational and laundry drying equipment, arbors and trellises, flagpoles, yard lights, statuary or other similar decorative things. In measuring a yard for the purpose of determining the depth of a front yard or the depth of a rear yard, the least distance between the lot line and the main building shall be used. In measuring a yard for the purpose of determining the width of a side yard, the least distance between the lot line and nearest permitted building shall be used.”

Required by City Code Sections 134-414(5) & 134-3(definition of “yard”)
Item 12  ZON 2019-00193  Bennett, 2712 Dean Avenue  Exception

| Appellant: Andrew Bennett & Handy Andy, Inc., 2712 Dean Avenue, Des Moines, IA 50317. |
| Premises Affected: 2712 Dean Avenue. |
| Legal Description: On file with Community Development Department. |
| Current Zoning: “R-3” Multiple-Family Low Residential District. |

Proposal: Resume use of a two-family dwelling on the property that has lost non-conforming rights, in addition to the ongoing use of a non-conforming single-family dwelling on the property.

Appeal(s): Exception of 5 feet less than the minimum required 65 feet of lot width for a two-family dwelling.

Exception of 1,180 square feet less than the minimum required 10,000 square feet of lot area for a property containing a two-family dwelling unit and a single-family dwelling unit.

Required by City Code Sections 134-554(3)(c) & 134-554(1)(d)

Item 13  ZON 2019-00194  Groff, 2200 Easton Boulevard  Determination and/or Amend Use Variance & Variance

| Appellant: Angel Groff, 2721 Shoreview Circle, Des Moines, IA 50320. |
| Premises Affected: 2200 Easton Boulevard. |
| Legal Description: Lots 16 & 17 of Easton Place. |
| Current Zoning: “R1-60” One-Family Low-Density Residential District. |

Proposal: Use of the property for the auto body repair and detailing of vehicles, and retention of an off-street parking lot that is within 2.5 feet of the front property lines along Easton Boulevard and East 22nd Street. On September 26, 2018, by Docket ZON2018-00177, the Zoning Board of Adjustment denied appeals that would have allowed “use of the property for the repair of vehicles that would be sold at a different location”.

PART A)

Appeal(s): Determination as to whether the conditions, facts, and/or circumstances present at the time of the Board’s previous decision within the past 2 years have changed.

Required by City Code Section 134-65(c) & Docket ZON2018-00177

If the Board determines that the conditions, facts, and/or circumstances present at the time of the previous decision have changed, the Board shall consider the following:

PART B)

Appeal(s): Amend Variance of the permitted uses in an “R1-60” One-Family Low-Density Residential District to allow use of the property for the repair of vehicles that would be sold at a different location.

Amend Variance of 27.5 feet less than the minimum 30 feet of setback required for off-street parking and loading from a front property line in a Residential District.

Required by City Code Sections 134-412, 134-1377(f)(2)(a)(8), 134-1377(m)(1), & & 134-414(3)
### Item 14  
**ZON 2019-00196**  
**Jones, 201 38th Place**  
**Variance**

**Appellant:** Julia & James Jones, 201 38th Place, Moines, IA 50312.  
**Premises Affected:** 201 38th Place.  
**Legal Description:** On file with Community Development Department.  
**Current Zoning:** "R1-80" One-Family Residential District.  
**Applicable Neighborhood Association:** Salisbury Oaks Neighborhood Association.

**Proposal:** Construction of a 22-foot by 22-foot (484 square feet) accessory structure in the front yard area, which would be within 6.4 feet of the west (front) property line along 38th Place.

**Appeal(s):** Variance of 43.4 feet less than the calculated minimum required 50-foot front yard setback.  

*Required by City Code Sections 134-1276(c)(2) & 134-1276(e)*

### Item 15  
**ZON 2019-00198**  
**Des Moines Griffin Building, LLC, 319 7th Street**  
**Conditional Use Permit**

**Appellant:** Des Moines Griffin Building, LLC, represented by Tim Rypma, 3101 Ingersoll Avenue, Suite 300, Des Moines, IA 50312. The business would be operated by Kum & Go, LC, represented by Charles Campbell, 1459 Grand Avenue, Des Moines, IA 50309.  
**Premises Affected:** 319 7th Street.  
**Legal Description:** On file with Community Development Department.  
**Current Zoning:** “C-3” Central Business District.  
**Applicable Neighborhood Association:** Downtown Des Moines Neighborhood Association.

**Proposal:** Use of the ground floor of the building for a Limited Food and Retail Sales Establishment that would sell alcoholic liquor, wine, and beer. As a Limited Food and Retail Sales Establishment, no more than 40% of the gross receipts from sales could be derived from the sale of alcoholic liquor, wine, beer, and tobacco products.

**Appeal(s):** Conditional Use Permit for a Limited Food and Retail Sales Establishment business selling alcoholic liquor, wine, and/or beer in a “C-3” Central Business District.

*Required by City Code Section 134-954*
<table>
<thead>
<tr>
<th>Item 16</th>
<th>ZON 2019-00200</th>
<th>Reeves Properties, LLC, 4820 Southwest 9th Street</th>
</tr>
</thead>
</table>
| **Variance** | **Reeves Properties, LLC, represented by Jeff Reeves, 2590 Easter Lake Drive, Des Moines, IA 50320.**<br>**Premises Affected:** 4820 Southwest 9th Street.<br>**Legal Description:** On file with Community Development Department.<br>**Current Zoning:** “C-2” General Retail and Highway-Oriented Commercial District.<br>**Applicable Neighborhood Association:** Watrous South Neighborhood Association.<br>---<br>**Proposal:** Retention of paving that is within 0 feet of the east (front) property line along Southwest 9th Street.<br>**Appeal(s):** Variance of 5 feet less than the minimum required 5 feet of paving setback required from a front property line.<br>

*Required by City Code Section 134-1377(f)(2)(b)(1)*

**Approval of Minutes for the September 25, 2019 Zoning Board of Adjustment meeting.**