The Zoning Board of Adjustment has the power under Iowa law and the Zoning Ordinance of the City of Des Moines (City Code Chapter 134) to hear requests and make decisions on matters such as Variances and Exceptions from the regulations in the Zoning Ordinance, Conditional Use Permits, Special Permits, and appeals of the decisions of City staff in the administration of the Zoning Ordinance.

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 3 ******

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 2019-00223</th>
<th>111 East Grand, LLC, 111 East Grand Avenue</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appellant:</td>
<td>111 East Grand, LLC, represented Tim Rypma, 350 East Locust Street, Suite 500, Des Moines, IA 50309.</td>
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<tr>
<td>Premises Affected:</td>
<td>111 East Grand Avenue.</td>
<td></td>
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<tr>
<td>Legal Description:</td>
<td>On file with the Community Development Department.</td>
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</tbody>
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**Proposal:** Installation of a 1.5-foot by 8-foot (12 square feet) wall-mounted sign that would project up to 2 feet into East Grand Avenue right-of-way. The sign would identify an occupant with frontage on the first floor of the building but would be partially placed on the façade of the 2nd floor of the building.

**Appeal(s):** Variance to allow a sign to be placed partially on a non-occupant wall.

*Required by City Code Section 134-1043*

<table>
<thead>
<tr>
<th>Item 2</th>
<th>ZON2019-00225</th>
<th>Casey’s Marketing Company, 5150 East 14th Street</th>
<th>Conditional Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appellant:</td>
<td>Casey’s Marketing Company, represented by Megan Elfers, PO Box 3001, Ankeny, IA 50021.</td>
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<td></td>
</tr>
<tr>
<td>Premises Affected:</td>
<td>5150 East 14th Street.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Legal Description:</td>
<td>On file with Community Development Department.</td>
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<tr>
<td>Current Zoning:</td>
<td>“C-2” General Retail and Highway-Oriented Commercial District.</td>
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</tr>
</tbody>
</table>

**Proposal:** Allow a gas station/convenience store to have sales of alcoholic liquor in addition to the otherwise permitted sales of wine and beer. As a gas station/convenience store, the business would be allowed to derive no more than 40% of its gross sales from alcoholic liquor, wine, beer, and/or tobacco products.

**Appeal(s):** Conditional Use for a gas station convenience store selling alcoholic liquor.

*Required by City Code Section 134-954*
Item 3  ZON 2019-00227  Hammen, 2908 67th Street  Exception

**Appellant:** Michael & Jeri Hammen, 1645 NW 104th Street, Clive, IA 50325.
**Premises Affected:** 2908 67th Street.
**Legal Description:** On file with Community Development Department.
**Current Zoning:** “R-2” One- and Two-Family Residential District.
**Applicable Neighborhood Association:** Merle Hay Neighborhood Association.

**Proposal:** The appeal would allow up to 696 square feet of paved area within the front yard area along Sherrick Avenue. The paving would be used for driveway and off-street parking purposes.

**Appeal(s):** Exception of 54 square feet over the maximum 642 square feet of area (25%) allowed for driveway and off-street parking purposes in a front yard that measures 2,568 square feet in area.

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

******** END CONSENT PUBLIC HEARING ITEMS ********

******** BEGIN DISCUSSION PUBLIC HEARING ITEMS ********

Item 4  ZON 2019-00195  Merle Hay Mall, 4000 Merle Hay Road  Variances

**Appellant:** Merle Hay Mall, represented by Donna Stapleton, 3850 Merle Hay Road, Suite 101, Des Moines, IA 50310. The property is owned by TF Des Moines IA, LLC, represented by Cray Coonce, 3333 Beverly Road, Dept 36134, Hoffman Estates, IA 60179. The sign would identify tenants of
**Premises Affected:** 4000 Merle Hay Road.
**Legal Description:** On file with Community Development Department.
**Current Zoning:** “C-4” Shopping Center Commercial District.
**Applicable Neighborhood Association:** Merle Hay Neighborhood Associations.

**Proposal:** Reinstallation of an existing 9.75-foot tall by 11.08-foot wide (108.06 square feet) freestanding directory sign atop a 1.08-foot tall by 5-foot wide masonry base. This existing sign has lost its legal-nonconforming status since it was removed from the site for repair after being damaged by a motorist. The sign is nonconforming since the masonry base of the sign does not extend from grade to the bottom of the sign face across the entire width of the sign face and since the height of the sign base is less than 25 percent of the total sign height.

**Appeal(s):** Variance of the provision that requires any freestanding (non-wall-mounted) sign be a monumental.

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, and requires the height of the sign base to be not less than the larger of 2 feet or 25 percent of the total sign height.

*Required by City Code Sections 134-3(definition of sign, freestanding monument) & 134-1276(p)(4)*
Item 5  ZON 2019-00222  Harvey Parks Properties, LLC, 1159 24th Street

Amend Conditional Use

Appellant: Harvey Parks Properties, LLC, represented by Tobi Parks, 634 40th Street, Des Moines, IA 50312.
Premises Affected: 1159 24th Street.
Legal Description: Lot 22 of Drake University 3rd Addition.
Current Zoning: “NPC” Neighborhood Pedestrian Commercial District.

Proposal: Amend Conditional Use granted on March 28, 2018, by Docket ZON2018-00017, that allows use of a 2,912-square foot area within the existing building for a performing arts venue, with sales and consumption of alcoholic liquor, wine, and beer permitted throughout.

Appeal(s): Amend Conditional Use for a business selling alcoholic liquor, wine, and beer in an “NPC” District.

Required by City Code Section 134-954 & Docket ZON2018-00017

Item 6  ZON 2019-00226  Reeser, 728 East Border Street

Exception & Variances

Appellant: Gary Reeser, 728 East Border Street, Des Moines, IA 50211.
Premises Affected: 728 East Border Street.
Legal Description: On file with Community Development Department.
Applicable Neighborhood Association: N/A.

Proposal: Conversion of an existing structure on a 7.19-acre parcel to a single-family residential use. The existing structure is within 7 feet of the westerly property line along right-of-way for Highway 5. The appeals would also allow for retention of a graveled driveway and graveled parking space.

Appeal(s): Exception of 2.81 acres less than the minimum 10 acres of area required for a single-family residential use in an “A-1” District.

Variance of 48 feet less than the minimum 55-foot side yard setback required in an “A-1” District.

Variance of the requirement that a single-family residential use must provide a minimum of one (1) off-street parking space located outside of the minimum required front yard setback and that is accessed by a paved driveway.

Required by City Code Sections 134-310(1)(a), 134-310(4), 134-1377(a)(8)(a) & 134-1377(m)(1)
**Item 7 ZON 2019-00228 Redd, 1006 39th Street Exceptions**

**Appellant:** Kenneth & Julie Redd, 1006 39th Street, Des Moines, IA 50311.

**Premises Affected:** 1006 39th Street.

**Legal Description:** Lots 121 & 122 of Campbell Place.

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

**Applicable Neighborhood Association:** Drake Neighborhood Association.

**Proposal:** Construction of a 24-foot by 36-foot (864 square feet) garage that would be within 30 feet of the east property line along 39th Street and within 16 feet of the south property line along School Street. The garage would be 1.5 stories with a maximum height of 21 feet. The garage would be accessed by a new driveway from School Street.

**Appeal(s):** Exception of 4 feet less than the calculated minimum required 34-foot setback from the east front property line along 39th Street

Exception of 14 feet less than the minimum required 30-foot setback from the south front property line along School Street.

Exception of 4 feet over the maximum 17 feet of height allowed for an accessory structure.

Exception of a 0.5 story over the maximum 1 story allowed for an accessory structure.

Exception of 8 feet less than the minimum 24 feet of maneuvering space required for a garage.

*Required by City Code Sections 134-1276(e), 134-414(3), 134-414(6)(b), 134-414(7)(b), & 134-1377(g)*

**Approval of Minutes for the November 20, 2019 Zoning Board of Adjustment meeting.**

**Update on New Zoning Ordinance**