CITY OF DES MOINES’
ZONING BOARD OF ADJUSTMENT
AGENDA
FOR THE MEETING SCHEDULED FOR
JANUARY 22, 2020
MEETING TO BEGIN AT 1:00 PM IN THE 2ND FLOOR BOARD ROOM
WITHIN THE CITY’S MUNICIPAL SERVICE CENTER AT
1551 EAST MARTIN LUTHER KING, JR. PARKWAY, DES MOINES, IA 50317.

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 each 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.

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.
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>
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<tr>
<th>Item 1</th>
<th>ZON 2019-00232</th>
<th>DMACC, Vicinity of 1100 7th Street</th>
<th>Special Permit</th>
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</thead>
</table>

**Appellant:** Des Moines Area Community College (DMACC), represented by Robert Denson, 2006 South Ankeny Boulevard, Ankeny, IA 50021.

**Premises Affected:** Vicinity of 1100 7th Street.

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

**Zoning at Time of Application:** “R-4” Multiple-Family Residential District, “C-0” Commercial-Residential District, “C-1” Neighborhood Retail Commercial District, & “C-2” General Retail and Highway-Oriented Commercial District.

**Applicable Neighborhood Association:** Cheatom Park Neighborhood Association.

**Proposal:** Installation of additional signage throughout the campus, including the following:

- Two (2) freestanding “entrance monument” signs, each measuring 4 feet wide by 15 feet tall.
- One (1) “entrance monument” sign mounted on a retaining wall, measuring 18 feet wide by 3 feet tall.
- Three (3) freestanding “building identification” signs, each measuring 2.25 feet wide by 8 feet tall.
- One (1) wall-mounted “on-building signage” sign, measuring 2.67 feet wide by 18 feet tall.
- Three (3) freestanding “campus pedestrian orientation” signs, each measuring 2.25 feet wide by 8.33 feet tall.
- Two (2) freestanding “campus pedestrian wayfinding” signs, each measuring 1.75 feet wide by 7.33 feet tall.
- One (1) freestanding “vehicular wayfinding” sign, measuring 2 feet wide by 3 feet tall.
- Two (2) freestanding “vehicular wayfinding” signs, each measuring 2 feet wide by 4 feet tall.
- Six (6) freestanding “prairie walk and interpretation” signs, each measuring 2 feet wide by 4 feet tall.
- One (1) building-mounted 1,009-square foot digital display board.
- One (1) building-mounted 232-square foot digital display board.

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

*Required by retired City Code Section 134-1326(4)*
**Item 2**

| ZON 2019-00231 | 215 East 3rd Street, LLC, 215 East 3rd Street | Amend Conditional Use |

**Appellant:** 215 East 3rd Street, LLC, represented by Jake Christensen, 215 East 3rd Street, Suite 300, Des Moines, IA 50309. The business is operated by Beer, Inc. (dba Iowa Taproom), represented by Andrew Massoth, 215 East 3rd Street, Suite 100, Des Moines, IA 50309.

**Premises Affected:** 215 East 3rd Street.

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

**Zoning at Time of Application:** “C-3B” Central Business Mixed Use District.

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

**Proposal:** Expansion of the existing tavern use to occupy the lower level of the structure. The tavern is currently allowed to occupy up to the 12,916 square feet within the ground level of the building, and up to 1,776 square feet within an outdoor patio along the north side of the building, in accordance with a Conditional Use granted by the Zoning Board of Adjustment on October 28, 2015 (ZON2015-00184) and amended by the Zoning Board of Adjustment on June 28, 2017 (ZON2017-00084).

**Appeal(s):** Amend Conditional Use for a tavern selling alcoholic liquor, wine, and beer.

*Required by retired City Code Section 134-954*

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**Item 3**

| ZON 2019-00233 | Wade Investments, LLC, 1433 Walnut Street | Conditional Use |

**Appellant:** Wade Investments, LLC, represented by Ryan Wade, 1433 Walnut Street, Des Moines, IA 50309. The business would be operated as The Cave DSM, represented by Nicholas J. Leo, 937 37th Street, Des Moines, IA 50312.

**Premises Affected:** 1433 Walnut Street.

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

**Current Zoning:** “DX2” Downtown Mixed-Use District.

**Applicable Neighborhood Association:** Downtown Des Moines Neighborhood Association.

**Proposal:** Use of the eastern tenant bay within the building, generally measuring 24 feet by 58 feet (1,392 square feet), for a tavern type business that would also involve retail sales of wine for off-premise consumption.

**Appeal(s):** Conditional Use for a business selling alcoholic liquor, wine, and/or beer.

*Required by City Code Section 134-3.8*
Item 4  ZON 2019-00234  322 E Court, LLC, 322 East Court Avenue  Conditional Uses

Appellant: 322 E Court, LLC, represented by Angie Pfannkuch, 215 East 3rd Street, Suite 300, Des Moines, IA 50309.
Premises Affected: 322 East Court Avenue.
Legal Description: On file with Community Development Department.

Proposal: Expand existing tavern use that is operating within 5,000 square feet within the eastern portion of the building, as well a 583-square foot patio to south of the building and a 553-square foot patio to the east of the building, to also include the production and distribution of beer for off-premises sales.

Appeal(s): Amend Conditional Use for a business selling alcoholic liquor, wine, and beer.
Conditional Use for a limited fabrication and production use within the DX2 District.

Required by City Code Sections 134-3.1.1, 134-3.8, & 134-3.6.1

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

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

Item 5  ZON 2019-00230  AHC Woodland, LLC, Vicinity of 3323 Ingersoll Avenue  Appeal Determination

Appellant: AHC Woodland, LLC, represented by John Stoops, 2540 73rd Street, Urbandale, IA 50322.
Premises Affected: Vicinity of 3323 Ingersoll Avenue.
Legal Description: On file with Community Development Department.
Zoning at Time of Application: “NPC” Neighborhood Pedestrian Commercial District.

Proposal: Retention of a dumpster on the property that is not within a dumpster enclosure structure and setting off-street parking requirements for multiple-family residential uses on property located within the “NPC” Neighborhood Pedestrian Commercial District at the time of site plan submission for such property.

Appeal(s): Appeal of the Zoning Enforcement Officer’s determination that the property does not have a legal non-conforming right to have a dumpster without a dumpster enclosure and an appeal of the Zoning Enforcement Officer’s determination that there is insufficient off-street parking for the property.

Required by retired City Code Section 134-63
Item 6  ZON 2019-00235  Yaw, Vicinity of 919 Southeast 21st Street  
Conditional Use Permits & Variance

| Appellant:  | Thomas E. Yaw, Bobbi J. Yaw, Carl J. Yaw, Jr., & Cherill L. Yaw, d/b/a Yaw Auto Salvage, 919 SE 21st Street, Des Moines, IA 50317. |
| Premises Affected:  | Vicinity of 919 Southeast 21st Street. |
| Legal Description:  | On file with Community Development Department. |
| Zoning at Time of Application:  | “M-2” Heavy Industrial District. |
| Applicable Neighborhood Association:  | NA. |

Proposal:  Continued use of the property for a salvage yard, while rescinding the previously approved Conditional Use Permits and issuing a single Conditional Use Permit, in order to verify appropriate conditions of approval and to eliminate any conditions of approval that are no longer applicable or practical.

Appeal(s):  Rescind previously approved Conditional Use Permits, including those with docket numbers 73-120, 14-94-1.13, & ZON2012-00038, and consideration of a single Conditional Use Permit for a use in an “M-2” Heavy Industrial District that is not otherwise permitted in an “M-1” Light Industrial District

Variance to the provision requiring all driveways, parking lots and areas used for temporary storage of vehicles shall be surfaced with an asphaltic or Portland cement binder pavement or such other surfaces as shall be approved by the city engineer so as to provide a durable and dustless surface.

Required by City Code Sections 134-1122(5) & 134-1122(5)(f), and Docket Numbers 73-120, 14-94-1.13, & ZON2012-00038

Item 7  ZON 2020-00004  R M Madden Construction, 801 SE 28th Street  Variance

| Appellant:  | R M Madden Construction, Inc., represented by Rick Madden, 5909 Grand Avenue, Des Moines, IA 50312. |
| Premises Affected:  | 801 Southeast 28th Street. |
| Legal Description:  | On file with Community Development Department. |
| Zoning at Time of Application:  | “EX” Mixed-Use District. |
| Applicable Neighborhood Association:  | NA. |

Proposal:  Use of the property for a one-household dwelling use with the assurance that it could be reestablished if damaged or destroyed in the future. The construction of the dwelling commenced prior to adoption of the new Zoning Ordinance and a 100% rebuild letter is required for the purchaser’s financing.

Appeal(s):  Variance of the provision that states: If a structure containing a nonconforming use is damaged or destroyed to the extent of 50% or more of its replacement cost at time of damage or destruction, by any means, including damage or destruction by repair, alteration, replacement or upgrade, exclusive of the foundation, the nonconforming use may not be re-established. If the structure is damaged or destroyed to the extent of less than 50% of its replacement cost at the time of damage or destruction by any means, including damage or destruction by repair, alteration, replacement or upgrade, exclusive of the foundation, the nonconforming use may be re-established to the extent it existed before the damage, provided that a permit application to allow the re-establishment is filed within six months of the damage.

Required by City Code Section 134-7.2.5

**Approval of Minutes for the December 18, 2019 Zoning Board of Adjustment meeting.**