This Decision and Order of the Board of Adjustment does not constitute approval of any construction. All necessary permits must be obtained before any construction is commenced upon the Property. A Certificate of Occupancy must be obtained before any structure is occupied or re-occupied after a change of use.

Any use allowed by this Decision and Order shall not be commenced or resumed until all the requirements imposed on such use by the Zoning Ordinance and this Order have been satisfied.

The use allowed by this Order must be commenced within two years or this Order will be void and of no further force and effect.

IN THE MATTER OF THE APPEAL FROM

GBD, LLC

ON PROPERTY LOCATED AT

100 EAST MCKINLEY AVENUE

DOCKET: ZON 2020-00014

PUBLIC HEARING: FEBRUARY 26, 2020

SUBJECT OF THE APPEAL

Proposal: Installation of a 3.5-foot tall by 8-foot wide (28 square feet) sign atop a 2-foot tall masonry base.

Appeal(s): Type 2 Exception for 4 square feet over the maximum 24 square feet of signage area allowed for a multiple-household living use with 16+ units in an "NX1" District.

Required by City Code Table 134-5.5-1 & Section 134-6.6.2.1

FINDING

Granting the requested Type 2 Zoning Exception with conditions would be consistent with the intended spirit and purpose of the Zoning Ordinance so long as any sign shall be installed by a licensed sign contractor in accordance with a sign permit issued by the Permit and Development Center and is in substantial conformance with the renderings submitted with the application that are within the character with the existing multiple household dwellings. There is a practical difficulty in achieving visibility of the sign given the large area of the overall site it is intended to identify. Due to past safety improvement to the intersection of East McKinley Avenue and South Union Street, the property boundary has been pulled back. This triggers a best-case scenario for a visible sign location that would be further away from the street than is typical on other multiple household residential sites. It is practical to make the sign slightly larger in area to account for the impacts the roadway improvements have had on the places to place a sign on the property.
DECISION AND ORDER

WHEREFORE, IT IS ORDERED that the appeal for a Type 2 Exception for 4 square feet over the maximum 24 square feet of signage area allowed for a multiple-household living use with 16+ units in an "NX1" District, to allow installation of a 3.5-foot tall by 8-foot wide (28 square feet) sign atop a 2-foot tall masonry base, is granted, subject to the following conditions:

1. Any monument sign shall be installed by a licensed sign contractor in accordance with a sign permit issued by the Permit and Development Center.

2. Any monument sign installed shall be in substantial conformance with the renderings submitted with the application.

VOTE

The foregoing Decision and Order was adopted by a vote of 7-0, with all Board members voting in favor thereof.

Signed, entered into record, and filed with the City of Des Moines Community Development Department serving as the office of the Board, on February 27, 2020.

Mel Pine, Board Chair

Bert Drost, Board Secretary
This Decision and Order of the Board of Adjustment does not constitute approval of any construction. All necessary permits must be obtained before any construction is commenced upon the Property. A Certificate of Occupancy must be obtained before any structure is occupied or re-occupied after a change of use.

Any use allowed by this Decision and Order shall not be commenced or resumed until all the requirements imposed on such use by the Zoning Ordinance and this Order have been satisfied.

The use allowed by this Order must be commenced within two years or this Order will be void and of no further force and effect.

IN THE MATTER OF THE APPEAL FROM CORNERSTONE COMMUNITY CREDIT UNION: DOCKET: ZON 2020-00016
ON PROPERTY LOCATED AT 414 61ST STREET: PUBLIC HEARING: FEBRUARY 26, 2020

SUBJECT OF THE APPEAL

Proposal: The appeals would allow installation of the following signs:
• A 1.83-foot tall by 6.67-foot wide (12.22 square feet of signage area) sign mounted on the north façade of the structure.
• A 1.58-foot tall by 6.26-foot wide (9.89 square feet of signage area) sign mounted on the south façade of the structure.

Appeal(s): Variance of two (2) signs over the maximum zero (0) signs allowed for an occupant in an "F" Flood District.

Variance of 22.11 square feet of signage area over the maximum 0 square feet of sign area allowed for an occupant in an "F" Flood District.

Required by City Code Table 134-5.6-1 & Section 134-6.7.7(A

FINDING

Granting the Variances with conditions would be consistent with the intended spirit and purpose of the Zoning Ordinance and in harmony with the essential character of the locality of the land in question so long as any sign shall be installed by a licensed sign contractor in accordance with a sign permit issued by the Permit and Development Center and is in substantial conformance with the renderings submitted with the application. The appellant faces a hardship in identifying their business given that the property is zoned "F" Flood District, which does not allow for any signage. The plight of the owner is due to unique circumstances not of the owner's own making, which unique circumstances relate specifically to the subject property. It would not be a reasonable for this use of the land to be restricted from having effective signage to identify the location of the business. The proposed signs are of an appropriate size and scale for the 1-story building site and would be compatible with the essential character of the surrounding neighborhood.
CORNERSTONE COMMUNITY CREDIT UNION
414 61ST STREET
ZON 2020-00016
FEBRUARY 26, 2020

DECISION AND ORDER

WHEREFORE, IT IS ORDERED that the appeals of a Variance of two (2) signs over the maximum zero (0) signs allowed for an occupant in an "F" Flood District and a Variance of 22.11 square feet of signage area over the maximum 0 square feet of sign area allowed for an occupant in an "F" Flood District, to allow installation of a 1.83-foot tall by 6.67-foot wide (12.22 square feet of signage area) sign mounted on the north façade of the structure and a 1.58-foot tall by 6.26-foot wide (9.89 square feet of signage area) sign mounted on the south façade of the structure, are granted subject to the following conditions:

1. Any signs shall be installed by a licensed sign contractor in accordance with a sign permit issued by the Permit and Development Center.

2. Any signage installed shall be in substantial conformance with the renderings submitted with the application, which demonstrate that the sign on the north side of the building would not be illuminated.

VOTE

The foregoing Decision and Order was adopted by a vote of 7-0, with all Board members voting in favor thereof.

Signed, entered into record, and filed with the City of Des Moines Community Development Department serving as the office of the Board, on February 27, 2020

Mel Pins, Board Chair

Bert Drost, Board Secretary
This Decision and Order of the Board of Adjustment does not constitute approval of any construction. All necessary permits must be obtained before any construction is commenced upon the Property. A Certificate of Occupancy must be obtained before any structure is occupied after a change of use.

Any use allowed by this Decision and Order shall not be commenced or resumed until all the requirements imposed on such use by the Zoning Ordinance and this Order have been satisfied.

The use allowed by this Order must be commenced within two years or this Order will be void and of no further force and effect.

IN THE MATTER OF THE APPEAL FROM
JANSSEN LODGING, INC.
ON PROPERTY LOCATED AT
1000 WALNUT STREET

DOCKET: ZON 2020-00020
PUBLIC HEARING: FEBRUARY 26, 2020

SUBJECT OF THE APPEAL

Proposal: The appeals would allow installation of the following signs, including seven (7) signs that would identify a hotel occupant that has frontage along both Walnut Street and 10th Street; five (5) signs that would identify a restaurant occupant that has frontage along both Walnut Street and 10th Street; and six (6) signs that would identify a restaurant occupant that has frontage along 10th Street:

North façade: Six (6) signs, including three (3) signs that identify the hotel occupant and three (3) signs that identify a restaurant occupant, totaling 204.007 square feet of signage area, including:
- One (1) sign measuring 0.58-feet tall by 14.33 feet wide (8.31 square feet) affixed to a metal canopy that would project up to 10.8 feet from the structure.
- Two (2) signs measuring 3.5 feet tall by 2.25 feet wide (7.88 square feet each) that would project up to 2.75 feet from the building.
- Three (3) awnings that would project up to 3 feet from the building, where each awning would measure up to 5 feet tall by 12 feet wide (60 square feet each) and contain signage.

East façade: Eleven (11) signs, including three (3) signs that identify a hotel occupant, two (2) signs that identify a northerly restaurant occupant, and six (6) signs that identify a southerly restaurant occupant, totaling 362.64 square feet of signage area, including:
- One (1) sign measuring 1 foot tall by 24.58 feet wide (24.58 square feet) affixed to a metal canopy that would project up to 10.8 feet from the structure.
- Two (2) signs measuring 3.5 feet tall by 2.25 feet wide (7.88 square feet each) that would project up to 2.75 feet from the building.
- One (1) 3 feet tall by 3 feet wide (9 square feet) sign and two (2) 1.33 feet tall by 5 feet wide (6.65 square feet each) signs, all affixed to a canopy that would project 10.8 feet from the building.
- Five (5) awnings that would project up to 3 feet from the building, where each awning would measure up to 5 feet tall by 12 feet wide (60 square feet each) and contain signage.
South façade (non-frontage): One (1) sign totaling 231.24 square feet of signage area, including:
  • A 3.5 feet tall by 66.07 feet wide (231.24 square feet of signage area) roof sign mounted on the side of the screening material surrounding rooftop mechanical equipment.

Note: All signs and canopies projecting from the building must provide at least 9 feet of vertical clearance above the sidewalk

Appeal(s):

Type 2 Exception for one (1) sign over the maximum two (2) signs on the north (frontage) façade of the structure allowed for the hotel occupant.

Type 2 Exception for one (1) sign over the maximum two (2) signs on the north (frontage) façade of the structure allowed for the occupant at the northeast corner of the building.

Type 2 Exception for one (1) sign over the maximum two (2) signs on the east (frontage) façade of the structure allowed for the hotel occupant.

Variance for four (4) signs over the maximum two (2) signs on the east (frontage) façade of the structure allowed for the occupant at the southeast corner of the building.

Variance of the provision that requires any projecting sign to be separated from any other projecting sign by at least 30 feet.

Variance for one (1) sign over the maximum zero (0) signs on the south (non-frontage) façade of the structure allowed for the hotel occupant.

Variance for 231.24 square feet of signage area over the maximum 0 square feet of signage area on the south (non-frontage) façade of the structure allowed for the hotel occupant.

Required by City Code Table 134-5.6-1, Section 134-5.3.1.B, Section 134-6.6, & Section 6.7
FINDING

Granting a Variance of the provision that requires any projecting sign to be separated from any other projecting sign by at least 30 feet or a Variance for four (4) signs over the maximum two (2) signs allowed for the restaurant occupant on the east (frontage) façade of the structure would not be consistent with the intended spirit of the Zoning Ordinance. The appellant has not demonstrated the criteria necessary for granting these Variances. The subject property can yield a reasonable return without having two (2) projecting signs less than 30 feet from each other near the northeast corner of the building or without having the proposed awning above the entrance to the occupant at the southeast corner of the building that extends up to 10.8 feet from the building.

However, granting the requested Type 2 Exceptions to allow one (1) sign over the maximum two (2) signs on the north (frontage) façade of the structure for the hotel occupant, one (1) sign over the maximum two (2) signs on the north (frontage) façade of the structure for the occupant at the northeast corner of the building, and one (1) sign over the maximum two (2) signs on the east (frontage) façade of the structure for the hotel occupant would be consistent with the intended spirit of the Zoning Ordinance. The appellant faces a practical difficulty in providing adequate signage given the large-scale nature of the building and the mix of uses proposed. The proposal would not have a significant adverse impact on the essential character of the surrounding area. The health, safety and welfare of the occupants of adjoining and surrounding property would be adequately safeguarded. The requested exception relates entirely to a use permitted by the "DX" Downtown District.

The Board finds that the appellant has satisfied the criteria necessary for granting an amended appeal for a Variance for two (2) signs over the maximum two (2) signs on the east (frontage) façade of the structure allowed for the occupant at the southeast corner of the building. This would require the proposed awning with three (3) signs that would project up to 10.8 feet from the building to be modified in order to be comparable the other three (3) awnings for that occupant. The appellant faces an unnecessary hardship in providing awnings above the four (4) existing openings in order to provide a design that is historically appropriate for the building.

Furthermore, the Board finds that the appellant has satisfied the criteria necessary for granting a Variance for one (1) sign over the maximum zero (0) signs on the south (non-frontage) façade of the structure allowed for the hotel occupant and a Variance for 231.24 square feet of signage area over the maximum zero (0) square feet of signage area on the south (non-frontage) façade of the structure. The appellant has demonstrated that they would face an unnecessary hardship if they were not allowed to have a visible presence from West Martin Luther King, Jr. Parkway, which functions as a primary entrance for visitors arriving in downtown from the airport. The impact of the sign would be minimal since it would be located above the 11th story of the building and would be set approximately 8 feet back from the south façade of the building.
DECISION AND ORDER

WHEREFORE, IT IS ORDERED that the appeals for a Variance of the provision that requires any projecting sign to be separated from any other projecting sign by at least 30 feet and a Variance for four (4) signs over the maximum two (2) signs on the east (frontage) façade of the structure allowed for the occupant at the southeast corner of the building, are denied.

AND, WHEREFORE, IT IS ORDERED that the appeals for a Type 2 Exception for one (1) sign over the maximum two (2) signs on the north (frontage) façade of the structure allowed for the hotel occupant, a Type 2 Exception for one (1) sign over the maximum two (2) signs on the north (frontage) façade of the structure allowed for the occupant at the northeast corner of the building, a Type 2 Exception for one (1) sign over the maximum two (2) signs on the east (frontage) façade of the structure allowed for the hotel occupant, an amended appeal for a Variance for two (2) signs over the maximum two (2) signs on the east (frontage) façade of the structure allowed for the occupant at the southeast corner of the building, a Variance for one (1) sign over the maximum zero (0) signs on the south (non-frontage) façade of the structure allowed for the hotel occupant, and a Variance for 231.24 square feet of signage area over the maximum zero (0) square feet of signage area on the south (non-frontage) façade of the structure allowed for the hotel occupant, are granted subject to the following conditions:

1. Any sign shall be installed by a licensed sign contractor in accordance with a sign permit issued by the City's Permit and Development Center.

2. Any sign that extends into a public right-of-way shall be install in accordance with an areaway permit issued by the Engineering Department or easement in place to allow the encroachment.

Note: The appeals that are granted allow for the following signs:

North façade: Six (6) signs, including the following three (3) signs that identify the hotel occupant: one (1) sign measuring 0.58-feet tall by 14.33 feet wide (8.31 square feet) affixed to a metal canopy that projects up to 10.8 feet from the structure and two (2) signs measuring 3.5 feet tall by 2.25 feet wide (7.88 square feet each) that project up to 2.75 feet from the building so long as any projecting sign is at least 30 feet from any other projecting sign; and the following three (3) signs that identify an occupant at the northeast corner of the building: three (3) awnings that would project up to 3 feet from the building, where each awning would measure up to 5 feet tall by 12 feet wide (60 square feet each) and contain signage.

East façade: Nine (9) signs, including the following three (3) signs that identify a hotel occupant: one (1) sign measuring 1 foot tall by 24.58 feet wide (24.58 square feet) affixed to a metal canopy that would project up to 10.8 feet from the structure and two (2) signs measuring 3.5 feet tall by 2.25 feet wide (7.88 square feet each) that would project up to 2.75 feet from the building so long as any projecting sign is at least 30 feet from any other projecting sign; the following two (2) signs that identify an occupant within the northeast corner of the building: two (2) awnings that would project up to 3 feet from the building, where each awning would measure up to 5 feet tall by 12 feet wide (60 square feet each) and contain signage; and the following four (4) signs that identify an occupant in the southeast corner of the building: four (4) awnings that would project up to 3 feet from the building, where each awning would measure up to 5 feet tall by 12 feet wide (60 square feet each) and contain signage.

South façade (non-frontage): One (1) 3.5 feet tall by 66.07 feet wide (231.24 square feet of signage area) roof sign mounted on the side of the screening material surrounding rooftop mechanical equipment that would identify the hotel occupant.
VOTE

The foregoing Decision and Order was adopted by a vote of 4-3, with Board members Carlson, Gaer, Pins, & Smith voting in favor thereof and Board members Blake, Gross, & Jones voting in opposition thereto.

Signed, entered into record, and filed with the City of Des Moines Community Development Department serving as the office of the Board, on February 27, 2020.

Mel Pins, Board Chair

Bert Drost, Board Secretary