



CITY OF DES MOINES'
ZONING BOARD OF ADJUSTMENT
AGENDA
FOR THE MEETING SCHEDULED FOR
APRIL 22, 2020
1:00 PM

Iowa Code Section 21.4 requires that each Board of Adjustment meeting shall be held at a place reasonably accessible to the public and at a time reasonably convenient to the public, unless for good cause such a place or time is impossible or impracticable. Given the Governor's prohibition on gatherings of ten or more persons during the COVID19 outbreak and further given Section Nine of the Governor's March 19, 2020 proclamation suspending the regulatory provisions of Iowa Code §§ 21.8, 26.12, and 414.12, or any other statute imposing a requirement to hold a public meeting or hearing, the City Council has determined that a meeting at a physical place is impossible or impracticable and all Board of Adjustment meetings for the time being will be conducted electronically with the public allowed to attend per the instructions on this agenda. Participation in person will not be available. Meeting minutes will continue to be provided per the City's normal course of business.

If you intend to participate in the virtual Zoom meeting via internet or by telephone, the City's Community Development Department requests that you please send an email to Planning@dmgov.org or call (515) 689-9485 at least 24 hours prior to the start of the scheduled meeting, to alert the meeting's moderator that you intend to address the Board. When sending an email or leaving a voice-mail message, please include your name, address, telephone number and the item number that you wish to speak on, state whether you wish to speak in support or in opposition, and attach or identify any evidence (photos, documents, etc.) that you would like the Board members to review. Participants will be allowed to join the virtual Zoom meeting via internet or by telephone at the scheduled time of the meeting, whether or not such prior notice is given to the Community Development Department.

To join the Zoom meeting using internet access, go to the following link:

<https://zoom.us/j/849853057?pwd=RWtLa0RRdXI3YlVNMnVYRUdlSjl6Zz09>

Meeting ID: 849 853 057

Password: 542208

To join the Zoom meeting using One tap access (using mobile device with internet access):

[+13126266799](tel:+13126266799),,849853057# US (Chicago)

To join the meeting by telephone without internet access please dial the following number and then enter the meeting ID number listed below:

1(888) 475-4499 US Toll-free

Meeting ID: 849 853 057

You will be muted upon arrival in the meeting. To request to speak during the hearing you please use the "raise hand" function on Zoom via internet or dial *9 on your telephone.

Hearing date is subject to change. Please see <https://www.DSM.city/covid19> and scroll down to the "Public Meetings" link under the heading "City of Des Moines Services impact" or call (515) 689-9485 for the most current information public hearings and public meetings.

PURPOSE OF BOARD OF ADJUSTMENT:

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 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 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 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 speaking in support of the appeal will then each be allowed five minutes to present their comments. Anyone speaking 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, 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.

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 8 *******

(Note: for items 4, 5, 6, 7, & 8, the appellant has requested that the public hearing be continued to a future meeting agenda.)

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.

Item 1 ZON 2020-00026 SCKIC, Inc., 1175 10th Street Exception

Appellant: SCKIC, Inc., represented by Kellie Markey, PO Box 57672, Des Moines, IA 50317.
Premises Affected: 1175 10th Street.
Legal Description: On file with Community Development.
Retired Zoning: "R-3" Multiple-Family Residential District. The property is currently zoned "N3c-4" Neighborhood District.
Applicable Neighborhood Association: Cheatom Park Neighborhood Association.

Proposal: Redevelopment of the site to include 1,120 square feet of paved area within the front yard area that would be used for driveway and off-street parking purposes. This includes a driveway measuring 605 square feet of paving that leads to an attached garage and a driveway measuring 615 square feet of paving that leads to an off-street parking area.

Appeal(s): Exception of up to 308.75 square feet over the maximum 811.25 square feet of area (25%) allowed for driveway and off-street parking purposes in a front yard that measures 3,245 square feet in area.

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

Item 2 ZON 2020-00027 East Village Properties, LLC, 507 East Locust Street, Unit C Conditional Use

Appellant: East Village Properties, LLC, represented by Loyd W. Ogle, 301 East Walnut Street, Suite 2, Des Moines, IA 50309.
Premises Affected: 507 East Locust Street, Unit C.
Legal Description: On file with Community Development Department.
Current Zoning: "DX2" Downtown Mixed-Use District.
Applicable Neighborhood Association: Historic East Village Neighborhood Association.

Proposal: Use of a 1,249-square foot tenant bay within the ground level of the building, with an entrance along East Locust Street, for a "bar" or for an "other use with sales of alcohol for on-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 3 ZON 2020-00037 Greater Iowa Credit Union, 600 East 30th Street
Type 2 Exceptions**

Appellant: Greater Iowa Credit Union, represented by Scott Zahle, 1509 Baltimore Drive, Ames, IA 50010.
Premises Affected: 600 East 30th Street.
Legal Description: On file with the Community Development Department.
Retired Zoning: “MX3” Mixed-Use District.
Applicable Neighborhood Association: Fairground Neighborhood Association.

Proposal: Installation of a 7.33-foot tall by 10.5-foot wide (77 square feet) sign atop a 2.5-foot tall masonry base, resulting in a total sign height of 9.83 feet, which would be within 25 feet of a front property line along East 30th Street.

Appeal(s): Type 2 Exception for 1.83 feet over the maximum 8 feet of height allowed for a freestanding monument sign that is within 25 feet of a front property line.

Type 2 Exception of 2 square feet over the maximum 75 square feet of signage area allowed for a monument sign in an “MX3” District.

Required by City Code Section 134-5.6.5(B)(1) & Table 134-5.6-1

**Item 4 ZON 2020-00009 Lamar Outdoor Advertising of Iowa, Inc.
1922 Ingersoll Avenue Appeal Determination**

The appellant has requested that this item be continued to a future Zoning Board of Adjustment meeting agenda.

Appellant: Lamar Outdoor Advertising of Iowa, Inc, represented by Jason Pomrenke, 4131 109th Street, Urbandale, IA 50322. The property is owned by Lincoln Savings Bank.
Premises Affected: 1922 Ingersoll Avenue.
Legal Description: On file with Community Development Department.
Zoning at Time of Application: “MX2” Mixed Use Commercial District. (The property was zoned “C-2” General Retail and Highway-Oriented Commercial District prior to December 16, 2019.)
Applicable Neighborhood Association: Downtown Des Moines Neighborhood Association.

Proposal: Appeal of denial of application submitted by Lamar Advertising of Iowa, Inc. (“Lamar”) for sign permit for a sign located at 1922 Ingersoll Avenue. The application was submitted on November 15, 2019 by the applicant, and denied by the City on January 13, 2020.

Appeal(s): Appeal of denial of application submitted by Lamar Advertising of Iowa, Inc. (“Lamar”) for sign permit for a sign located at 1922 Ingersoll Avenue. The application was submitted on November 15, 2019 by the applicant, and denied by the City on January 13, 2020.

Required by City Code Sections 134-5.7, 134-5.8, & 134-7.3

******* BEGIN DISCUSSION PUBLIC HEARING ITEM *******

Item 9	ZON 2020-00031	Tanzanite Homes Company, Inc. 3001 Martin Luther King, Jr. Parkway	Variance
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Appellant: Tanzanite Homes Company, Inc., represented Tracie Burrell, 10640 Justin Drive, Urbandale, IA 50322.
Premises Affected: 3001 Martin Luther King, Jr. Parkway.
Legal Description: On file with Community Development Department.
Retired Zoning: "C-2" General Retail and Highway-Oriented Commercial District. The property is currently zoned "MX3" Mixed Use District.
Applicable Neighborhood Association: Prospect Park Neighborhood Association.

Proposal: Retention of 735 square feet of paved area within the front yard area that is used for driveway and off-street parking purposes.

Appeal(s): Variance of 255.25 square feet over the maximum 479.75 square feet of area (25%) allowed for driveway and off-street parking purposes in a front yard that measures 1,919 square feet in area.

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

****Approval of Minutes for the February 26, 2020 Zoning Board of Adjustment meeting.**

*****Election of Officers.**