



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

Iowa Code Section 21.4 requires that each Council 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 Mayor Cownie's March 17, 2020 Proclamation Amendment prohibiting gatherings of ten or more persons on public property during the COVID19 outbreak and further given Section One Thirty Nine of the Governor's June 25, 2020 Proclamation extending the suspending of 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. 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](mailto: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/92937970191?pwd=WEJBV29EQnlxNld4Y3hKaUY5Ky9rZz09>  
Meeting ID: 929 3797 0191  
Password: 479479

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

[+13126266799](tel:+13126266799),92937970191# 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(833) 548 0276 US Toll-free  
Meeting ID: 929 3797 0191

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 \*\*\*\*\***  
**\*\*\*\*\* ITEM 1 \*\*\*\*\***

*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.*

|               |                       |   |                        |
|---------------|-----------------------|---|------------------------|
| <b>Item 1</b> | <b>ZON 2020-00033</b> | <b>Verizon Wireless, 2501 Garden Road</b> | <b>Conditional Use</b> |
|---------------|-----------------------|---|------------------------|

**Appellant:** Verizon Wireless, represented by Rob Viera (dba Buell Consulting), 5096 Merrimac Lane N, Plymouth, MN 55446. The property is owned by Meric Investments, represented by Eric Estes, PO Box 71307, Clive, IA 50325.  
**Premises Affected:** 2501 Garden Road.  
**Legal Description:** On file with Community Development Department.  
**Current Zoning:** "EX" Mixed-Use District.  
**Applicable Neighborhood Association:** Southwestern Hills Neighborhood Association.

**Proposal:** Construction of a 109-foot tall communications tower.

**Appeal(s):** Conditional Use for a wireless communications facility.

*Required by City Code Section 134-4*

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

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

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|---------------|-----------------------|--|-----------------------------|
| <b>Item 2</b> | <b>ZON 2020-00009</b> | <b>Lamar Outdoor Advertising of Iowa, Inc.</b> | <b>Appeal Determination</b> |
|               |                       | <b>1922 Ingersoll Avenue</b>                   |                             |

***This item was continued from the April 22, 2020 and June 24, 2020 Board of Adjustment meeting agendas.***

**Appellant:** Lamar Outdoor Advertising of Iowa, Inc, represented by Jason Pomrenke, 4131 109<sup>th</sup> 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

|               |                                    |  |                             |
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| <b>Item 3</b> | <b>ZON 2020-00010</b>              | <b>Lamar Outdoor Advertising of Iowa, Inc.</b> | <b>Appeal Determination</b> |
|               | <b>2742 East University Avenue</b> |  |                             |

*This item was continued from the April 22, 2020 and June 24, 2020 Board of Adjustment meeting agendas.*

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| <p><b>Appellant:</b> Lamar Outdoor Advertising of Iowa, Inc, represented by Jason Pomrenke, 4131 109<sup>th</sup> Street, Urbandale, IA 50322. The property is owned by Jon &amp; Edith Gowen.<br/> <b>Premises Affected:</b> 2742 East University Avenue.<br/> <b>Legal Description:</b> On file with Community Development Department.<br/> <b>Zoning at Time of Application:</b> “MX3” Mixed Use Commercial District. (The property was zoned “C-2” General Retail and Highway-Oriented Commercial District prior to December 16, 2019.)<br/> <b>Applicable Neighborhood Association:</b> ACCENT Neighborhood Association.</p> |
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**Proposal:** Appeal of denial of application submitted by Lamar Advertising of Iowa, Inc. (“Lamar”) for sign permit for a sign located at 2742 East University 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 2742 East University 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

|               |                         |  |                             |
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| <b>Item 4</b> | <b>ZON 2020-00011</b>   | <b>Lamar Outdoor Advertising of Iowa, Inc.</b> | <b>Appeal Determination</b> |
|               | <b>4337 Park Avenue</b> |  |                             |

*This item was continued from the April 22, 2020 and June 24, 2020 Board of Adjustment meeting agendas.*

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| <p><b>Appellant:</b> Lamar Outdoor Advertising of Iowa, Inc, represented by Jason Pomrenke, 4131 109<sup>th</sup> Street, Urbandale, IA 50322. The property is owned by Clampet Corner, LLC.<br/> <b>Premises Affected:</b> 4337 Park Avenue.<br/> <b>Legal Description:</b> On file with Community Development Department.<br/> <b>Zoning at Time of Application:</b> “RX1” Mixed Use District. (The property was zoned “C-1” Neighborhood Retail Commercial District prior to December 16, 2019.)<br/> <b>Applicable Neighborhood Association:</b> Southwestern Hills Neighborhood Association.</p> |
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**Proposal:** Appeal of denial of application submitted by Lamar Advertising of Iowa, Inc. (“Lamar”) for sign permit for a sign located at 4337 Park Avenue. The application was submitted on December 3, 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 4337 Park Avenue. The application was submitted on December 3, 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

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| <b>Item 5</b> | <b>ZON 2020-00012</b> | <b>Lamar Outdoor Advertising of Iowa, Inc.</b> |  |
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**3519 Hubbell Avenue Appeal Determination**

*This item was continued from the April 22, 2020 and June 24, 2020 Board of Adjustment meeting agendas.*

**Appellant:** Lamar Outdoor Advertising of Iowa, Inc, represented by Jason Pomrenke, 4131 109<sup>th</sup> Street, Urbandale, IA 50322. The property is owned by Joseph & Kelly Tollari.  
**Premises Affected:** 3519 Hubbell Avenue.  
**Legal Description:** On file with Community Development Department.  
**Zoning at Time of Application:** “MX3” 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:** Sheridan Gardens Neighborhood Association.

**Proposal:** Appeal of denial of application submitted by Lamar Advertising of Iowa, Inc. (“Lamar”) for sign permit for a sign located at 3519 Hubbell 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 3519 Hubbell 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

**Item 6 ZON 2020-00013 Lamar Outdoor Advertising of Iowa, Inc. Appeal Determination  
215 University Avenue**

*This item was continued from the April 22, 2020 and June 24, 2020 Board of Adjustment meeting agendas.*

**Appellant:** Lamar Outdoor Advertising of Iowa, Inc, represented by Jason Pomrenke, 4131 109<sup>th</sup> Street, Urbandale, IA 50322. The property is owned by Lakeview Lane 1, LLC.  
**Premises Affected:** 215 University Avenue.  
**Legal Description:** On file with Community Development Department.  
**Zoning at Time of Application:** “RX2” Mixed Use District. (The property was zoned “M-1” Light Industrial District prior to December 16, 2019.)  
**Applicable Neighborhood Association:** River Bend Neighborhood Association.

**Proposal:** Appeal of denial of application submitted by Lamar Advertising of Iowa, Inc. (“Lamar”) for sign permit for a sign located at 215 University 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 215 University 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

**Item 7 ZON 2020-00056 Phothisomphan Meditation Monastery Special Permit  
2560 Southeast 14<sup>th</sup> Street**

**Appellant:** Phothisomphan Meditation Monastery, represented by Phonexay Vilavongsa, 2560 Southeast 14<sup>th</sup> Street, Des Moines, IA 50320.  
**Premises Affected:** 2560 Southeast 14<sup>th</sup> Street.  
**Legal Description:** On file with the Community Development Department.  
**Retired Zoning:** “C-2” General Retail and Highway-Oriented Commercial District & “R1-60” One-Family Low-Density Residential District.  
**Current Zoning:** “P2” Public, Civic, & Institutional District  
**Applicable Neighborhood Association:** Indianola Hills Neighborhood Association.

**Proposal:** Amend conditions of an existing Special Permit that allows use of the existing 12,920-square foot structure for a religious assembly use, while providing at least 28 paved off-street parking spaces, as well as graveled off-street parking spaces that may be paved at a later date. The requested amendments would revise the site sketch mandated by the previous decision and revise the timeline for paving the required parking spaces.

**Appeal(s):** Amend Special Permit for an institution of a religious character, as granted by the Board on November 20, 2019 (Docket ZON2019-00212).

*Required by Retired City Code Section 134-1326(4) & Docket ZON2019-00212*

**Item 8      ZON 2020-00071      Clampet Corner, LLC, 4337 Park Avenue      Variance**

**Appellant:** Clampet Corner, LLC, represented by Bruce Gerleman, 303 Locust Street, Suite 150, Des Moines, IA 50309.  
**Premises Affected:** 4337 Park Avenue.  
**Legal Description:** On file with Community Development Department.  
**Zoning (Retired) a Time Building Permit was Issued:** “C-2” General Retail and Highway-Oriented Commercial District.  
**Applicable Neighborhood Association:** Southwestern Hills Neighborhood Association.

**Proposal:** Retention of rooftop mechanical units without providing an architecturally compatible, opaque screening material so that the rooftop mechanical unit is not visible from the adjoining streets and/or Residential zoning district.

**Appeal(s):** Variance to waive required screening of rooftop mechanical equipment from streets and Residential, “PUD” and “PBP” zoning districts.

*Required by City Code Section 134-1276(t)(2)*

**\*\*Approval of Minutes for the June 24, 2020 Zoning Board of Adjustment meeting.**