



CITY OF DES MOINES' ZONING BOARD OF ADJUSTMENT AGENDA OCTOBER 23, 2024

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.

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 515-283-4743 or visit the Zoning Board of Adjustment's website at <http://www.dmgov.org/government/boards/ZoningBoardofAdjustment>.

******* BEGIN CONSENT PUBLIC HEARING ITEM *******
******* ITEMS 1, 2, and 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.

Item 1	ZBOA-2024-000052 655 Walnut Street, Suite 120	Employers Mutual Casualty Company Conditional Use
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Appellant: Employers Mutual Casualty Company, represented by Amy Reimers, 717 Mulberry Street, Des Moines, Iowa 50309. The business would be operated by Ballet Des Moines, represented by Blaire Massa, 655 Walnut Street, Suite 120, Des Moines, IA 50309.

Premises Affected: 655 Walnut Street, Suite 120.

Legal Description: On file with Development Services Department.

Current Zoning: "DX1" Downtown Mixed-Use District.

Applicable Neighborhood Association: Downtown Des Moines Neighborhood Association.

Proposal: Sale of wine and/or beer accessory to a "Studio or Instructional Services" use (ballet studio with performances) operating within an 8,996-square-foot tenant bay.

Appeal(s): Conditional Use for an "Other" use selling wine and/or beer for on-premises consumption in a "DX1" District.

Required by City Code Table 134-3.1.1, Table 134.3.9-1, & Section 134-6.4.

Item 2	ZBOA-2024-000053 3725 Beaver Avenue	Casey's Marketing Company Type 2 Zoning Exceptions
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Appellant: Casey's Marketing Company, represented by Jacob Clark, One Southeast Convenience Boulevard, Ankeney, Iowa 50021.

Premises Affected: 3725 Beaver Avenue.

Legal Description: On file with Development Services Department.

Current Zoning: "MX1" Mixed-Use District.

Applicable Neighborhood Association: Beaverdale Neighborhood Association.

Proposal: Installation of two (2) approximately 2.42-foot by 6.175-foot (approximately 15 square-feet), illuminated canopy signs, including one (1) canopy sign on the north facing street frontage canopy wall and one (1) canopy sign on the south facing non-frontage canopy wall.

Appeal(s): Type 2 Zoning Exception to allow the proposed canopy signs to be illuminated where illumination is not permitted for canopy signs in an "MX1" Mixed-Use District.

Required by City Code Table 134-5.6-1, Section 134.5.3.5 & Section 134-5.6.7.

Item 3	ZBOA-2024-000054 425 Southwest 11th Street	Meridian at Gray’s Landing LLC Type 2 Zoning Exception
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Appellant: Meridian at Gray’s Landing LLC, represented by Paula K. Beck, 233 Park Avenue, Suite 201, Minneapolis, MN 55415.
Premises Affected: 425 Southwest 11th Street.
Legal Description: On file with Development Services Department.
Current Zoning: "DX2" Downtown Mixed-Use District.
Applicable Neighborhood Association: Downtown Des Moines Neighborhood Association

Proposal: Installation of one (1) 18.25-foot by 3.03-foot (approximately 55.30 square feet) illuminated wall-mounted sign above the third floor of the building. The wall sign would be on the west façade of the building facing north.

Appeal(s): Type 2 Zoning Exception of one (1) wall mounted sign over the maximum zero (0) wall-mounted signs allowed above the third floor of a building in a “DX2” District.

Required by City Code Table 134-5.6-1, Section 134-5.6, 134-5.3.5, & Section 134-6.6.

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

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

Item 4 was continued from the September 25, 2024, Board of Adjustment meeting to allow the appellant time to meet with surrounding property owners.

Item 4	ZBOA-2024-000048 310 Court Avenue	I-80 Spaghetti Works Corp Conditional Use
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Appellant: I-80 Spaghetti Works Corp (titleholder), represented by Shelly Stokes, 1105 Howard Street, Omaha, NE 68102. The proposed business would be operated by Larry Smithson, 5095 Copper Creek Drive, Pleasant Hill, IA 50327.
Premises Affected: 310 Court Avenue.
Legal Description: On file with Development Services Department.
Current Zoning: "DX2" Downtown Mixed-Use District.
Applicable Neighborhood Association: Downtown Des Moines Neighborhood Association.

Proposal: Use of approximately 8,000 square feet of area within the existing building, as well as outdoor patio areas, for a “Bar” use, where more than 50% of gross receipts from sales from the premises could be derived from the sale of alcoholic liquor, wine, and/or beer. The space was previously used for a “Restaurant” use.

Appeal(s): Conditional Use for a “Bar” use selling alcoholic liquor, wine, and/or beer for on-premises consumption in a “DX2” District.

Required by City Code Tables 134-3.1-1 and 134-3.9-1 & Section 134-6.4.

Item 5	ZBOA-2024-000051 2907 Douglas Avenue	2907 Douglas LLC Conditional Use
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Appellant: 2907 Douglas LLC, represented by Inderdeep Dhillon, 8210 Dennis Drive, Urbandale, Iowa 50322. The business would be operated by SQ Liquor, represented by Loyd Ogle, 301 East Walnut Street, Suite 100, Des Moines, IA 50309.

Premises Affected: 2907 Douglas Avenue.

Legal Description: On file with Development Services Department.

Current Zoning: "MX3" Mixed-Use District.

Applicable Neighborhood Association: Lower Beaver Neighborhood Association.

Proposal: Use of an existing 3,000-square-foot building for a "Liquor Store" use with sales of alcoholic liquor, wine, and/or beer.

Appeal(s): Conditional Use for a "Liquor Store" use selling alcoholic liquor, wine, and/or beer for off-premises consumption in the "MX3" District.

Required by City Code Table 134-3.1-1, Table 134-3.9-1, & Section 134-6.4.

****Approval of Minutes for the September 25, 2024, Zoning Board of Adjustment meeting.**

****Transition Break – 10:00 Minutes**

****Zoning Board of Adjustment Workshop**