

BOARD of ADJUSTMENT APPEAL or APPLICATION

(Conditional or Special Permit or Other Type of Request Forms)

(SEE SECTION VII INSTRUCTIONS FOR FILING THIS REQUEST)

(Original Appeal or Application must filed at the time of submission to the Board of Adjustment)

AGENDA CLOSES

MEETING DATE

I. Applicant Information (Also complete Section II if applicant is not the property Title Holder or Contract Buyer)

A. Name _____ Signature _____

B. Address _____

_____ zip code _____

C. Interest in Property:

- Title Holder
- Contract Buyer (must provide evidence of recorded contract or signed purchase agreement)
- Lessee
- Other _____

D. Telephone number _____ Date _____

II. Title Holder of Record (Only if applicant is different than Title Holder or Contract Buyer)

A. Name _____ Signature _____

B. Address _____

_____ zip code _____

III. Date Property was Acquired : _____

IV. Location of Property

A. Street Address: _____

B. Legal Description: _____

V. Plot Plan Drawing (s) of subject property as per Section VII A attached.

***** Section VI for City Use Only *****

VI. ZONING ENFORCEMENT DENIES PERMIT OR CERTIFICATE

A. Zoning District Classification _____

B. Reason(s) permit or certificate denied:

C. Development Zoning Inspector or Administrative Officer:

Signature: _____ Date: _____ Case No. **ZON200**

Development Zoning Inspector or Administrative Officer

Case Number

VII. Instructions

APPLICANT IS REQUIRED TO APPEAR BEFORE THE BOARD OF ADJUSTMENT EITHER IN PERSON OR BY AGENT OR ATTORNEY

An appeal or application to the Board of Adjustment shall consist of this completed application form, one (1) copy of a plot plan or site plan and the required filing fee. No appeal or application can be accepted for filing unless **all** of the required information is presented.

A. Plot Plan Drawing (s)

Regardless of the nature of the appeal, one (1) copy of a fully dimensioned, to scale, plot plan or site plan must be submitted with each application. Use of an actual property survey is suggested. The following information is required:

1. Location and dimensions of all existing and proposed buildings and elevations showing type of materials.
2. Points of ingress and egress, including street access sidewalks driveways parking and loading areas.
3. Dimensions from all lot lines. Measurements from sidewalks or curbs are not acceptable.
4. If the appeal is for a sign provide a fully dimensioned , to scale , elevation drawing of the sign in addition to the site plan. The site plan must show the exact location of the sign from property lines and driveways whether it be free standing or on a building.
5. If the appeal relates to parking lot screening and other screening required by the Zoning Ordinance show location, dimensions, height and type of material to be used for screening fence or walls, etc. If screening is to be composed of landscaping indicate:
 - a. The common name of plant species.
 - b. The size at the time of planting.
 - c. The number to be used, location and spacing.

Note Any material submitted at the public hearing is retained by the City.

B. Fees

Fees must be paid at the time the appeal or application is filed at the Permit and Development Center in the Armory Building at 602 East 1st Street. The fee is not refundable unless the appeal is withdrawn **before** the staff has started its review and sent notices.

The required fee for an appeal / or application shall be according to the following schedule (as stated in Chapter 134 Section 82-2 of the Municipal Code):

One Fee Checked (✓) below

- \$300.00 fee** + notification fee equal to **\$2.00** per parcel within **300'** of the subject property for Communication Towers and Antenna Use's
- \$300.00 fee** + notification fee equal to **\$2.00** per parcel within **250'** of the subject property for ALL-OTHER CASES

Complete Checked (✓) Sections below.

- Appeals Decision of Zoning Enforcement Officer per Chap. 134 Sec. 63 (a) Zoning Ordinance
- Variations to District Regulations per Chap. 134 Sec. 64 (2) Zoning Ordinance
- Variance "U-1 or FW" Districts per Chap. 134 Sec. 64 (3) Zoning Ordinance
- Special Permit per Chap. 134 Sec. 64 (5) required by Chap. 134 Sec. 1326 Zoning Ordinance
- Conditional Use per Chap. 134 Sec. 64 (6) required by Chap. 134 Sec. 308 , Chap. 134 Sec. 342 (9) , Chap. 134 Sec. 954, Chap. 134 Sec. 955 & Chap. 134 Sec. 1095 (4) Zoning Ordinance, _____

C. Submission of Appeal or Applicant

The completed Appeal or Application with fee must be **filed at the Permit and Development Center in the Armory Building at 602 Robert D. Ray Drive.**



**Questions Contact
DEVELOPMENT ZONING SECTION
PERMIT & DEVELOPMENT CENTER
602 ROBERT D. RAY DRIVE
DES MOINES, IOWA 50309
Phone (515) 283-4200**

Complete Checked (✓) Sections below.

() **F. Applicable to all Conditional Uses listed below. Zoning Criteria**

“A-1” Chap. 134 Sec. 308 & “R1-80” Chap. 134 Sec. 342 (9) Bed & Breakfast ;
Selling of Liquor, Wine & Beer Chap. 134 Sec. 954 ; “M-2” Chap. 134 Sec. 1122 (4) ;
“U-1” Chap. 134 Sec. 1192 (6) and “FW” Chap. 134 Sec. 1223

If regarding **Bed & Breakfast , “M-2” Uses or “U-1” Uses** the applicant must answer parts (a, b, c, d, & e) below :

- (a) The proposed location, design, construction, and operation of the particular use adequately safeguards the health, safety, and general welfare of persons residing or working in adjoining or surrounding property;
- (b) Such use shall not impair an adequate supply of light and air to surrounding property;
- (c) Such use shall not unduly increase congestion in the streets, or public danger of fire, safety and flood
- (d) Such use shall not diminish or impair established property values in adjoining or surrounding property; and
- (e) Such use shall be in accord with the intent, purpose and spirit of this Ordinance and the 2020 Community Character Plan of the City of Des Moines.
- (f) If regarding **Selling of Liquor, Wine & Beer** request the applicant must answer parts (a, b, c, d, & e) above and also answer the additional questions listed below:
 - (1) The business is sufficiently separated from the adjoining residential area by distance, landscaping, walls or structures to prevent any noise, vibration or light generated by the business from having a significant detrimental impact upon the adjoining residential uses.
 - (2) The business is sufficiently separated from the adjoining residential area by distance, landscaping, walls or structures to prevent any noise, vibration or light generated by the business from having a significant detrimental impact upon the adjoining residential uses.
 - (2) The business will not unduly increase congestion on the streets in the adjoining residential area
 - (3) The operation of the business will not constitute a nuisance.
 - (4) The applicant must also submit drawn to scale showing all interior space of the existing uses and proposed interior uses along with the required site plan.

NOTE : The following list will be required of all **Selling of Liquor , Wine & Beer** applications:

- (a) Any parking area provided for the use of customers of the business shall be illuminated at an intensity of at least one foot-candle of light on the parking surface at all times.
- (b) The business shall comply with the Noise Control Ordinance of the City of Des Moines, Article IV Noise Pollution et. seq.
- (c) No sale of alcoholic beverages shall be made from a drive-through window.
- (d) Litter and trash receptacles shall be located at convenient locations inside and outside the premises, and operators of such business shall remove all trash and debris from the premises and adjoining public areas on a daily basis.
- (e) The Conditional Use Permit is subject to amendment or revocation if the operation of the business becomes a nuisance or exhibits a pattern of violating the conditions set forth in the Conditional Use Permit.

If regarding **“FW” Listed Conditional Uses** as amended the applicant must answer parts (a, b, c, d, & e) above and provide the listed items below:

- (1) The applicant shall submit a site plan, drawn to scale showing all principal and all accessory uses and structures, and a flood profile study approved by the City Engineer.
- (2) The applicant shall meet all of the Performance Standards as stated in Chap. 134 Sec. 1224 as amended.

Required Showing: Provide a statement describing the proposed use and its effect upon the Zoning Criteria noted above.

It is important that each question be answered for your appeal to be properly considered. If more space is needed, attach additional sheets.

BOARD OF ADJUSTMENT APPEAL OR APPLICATION
SUPPLEMENT TO APPLICATION FOR COMMUNICATION TOWER REQUEST

APPLICANT: _____

LOCATION of PROPERTY: _____

DATE Delivered to APPLICANT: _____

Any applicant seeking relief from the Board of Adjustment to construct a freestanding communication tower, who claims that denial of a permit for the construction of such tower at the proposed site will have the effect of prohibiting the provision of personal wireless services must provide the following additional information at least ten days prior to the hearing before the Board. Refusal to timely provide this information shall constitute a waiver of any claim that rejection of such application has the effect of prohibiting the provision of personal wireless services.

1. Graphically show the location of all antennas existing and planned which serve areas which adjoin the area to be served by the proposed antenna site. For each such antenna identify:
 - a) The actual or planned height of the antenna.
 - b) Whether the antenna is mounted on a tower or a building, and if on a building, the principal use of that building.
 - c) What relief, if any, is needed from the Board of Adjustment to lawfully use the site.
 - d) A geographic representation of the radiation pattern as measured or estimated from each antenna, identifying the area to be served by such antenna
2. Describe the software used in any estimation of signal propagation, by program vender, name and version, and the assumptions used to generate the geographic representation of the radiation pattern.
3. Graphically identify the location of all existing structures within 1/4 mile of the proposed tower site which are over 75 feet tall, and for each such structure, identify:
 - a) The height of the structure.
 - b) The name and address of any representative(s) of the owner/tenant of the structure you contacted for the purpose of seeking permission to place your antenna on the structure.
 - c) Any physical, economic or legal barriers which prevent the antenna from being mounted on such structure as an alternative to the construction of a tower.
4. The Community Development Department for the City of Des Moines believes that the alternate site(s) in the vicinity of the proposed tower identified on the below **Site Alternate Locations** might be a more suitable location for the proposed antenna/tower from a land use and aesthetics standpoint. If any of **Site Alternate Locations** identified below were considered as a site for this tower, then Identify:
 - a) What representative(s) of the owner/tenant of the site was contacted to seek permission to use the site.
 - b) What antenna height would be required at the alternate site to cover substantially all the area to be served by the proposed antenna. What is the geographic area as measured or estimated which could be served from an antenna at such height.
 - c) What, if anything, prevents placement of the proposed antenna at the alternate site.

Community Development Department for the City of Des Moines

SITE ALTERNATE LOCATIONS LISTED BELOW:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

NOTE: Question No. 4 is required only if the Community Development Department staff has identified alternate sites which may be more appropriate for the proposed tower.

Zoning Enforcement Officer Signature _____ Date Received: _____

Any questions about this **BOARD of ADJUSTMENT Appeal or Application** please contact:

DEVELOPMENT ZONING SECTION
PERMIT & DEVELOPMENT CENTER
602 ROBERT D. RAY DRIVE
DES MOINES, IOWA 50309
Phone: (515) 283-4200



