



Date October 20, 2025

REVIEW OF ZONING BOARD OF ADJUSTMENT DECISION CONDITIONALLY GRANTING A USE VARIANCE FOR A “COMMERCIAL SERVICE STUDIO OR INSTRUCTIONAL SERVICE” USE IN A “F” FLOOD DISTRICT, ON PROPERTY AT 414 61ST STREET OWNED BY 414 61ST STREET, LLC

WHEREAS, the real property locally known as 414 61st Street (“Property”), owned by 414 61st Street, LLC (“Owner”) measures approximately 1.16 acres and contains a vacant 4,868 square foot building, and is located along the west side of 61st Street to the north side of Grand Avenue, adjacent to Walnut Creek; and

WHEREAS, the Property is located within the FEMA-designated 100-year Floodplain and is, therefore, zoned “F” Flood District; and

WHEREAS, Des Moines Municipal Code sections 134-6.7 requires the Owner to obtain a variance from the Zoning Board of Adjustment in order to build or use the property for certain uses, including, but not limited, to “Office: Business or Professional” use; and

WHEREAS, the Owner made such application and on January 22, 2025, the Zoning Board of Adjustment voted 7-0 to approve an application from 414 61st Street for a use variance to allow the Owner/Occupant to use the property for “Office: Business or Professional” use; and

WHEREAS, on February 10, 2025, the City Council declined to remand the decision of the Zoning Board of Adjustment granting the use variance and the decision of the Board was finalized on that date; and

WHEREAS, the property owner has attempted to use the property within the previously-granted use variance’s parameters but has not found a suitable tenant fitting those parameters; and

WHEREAS, the property owner has found a suitable tenant who proposes to use the property for personal and group fitness classes; and

WHEREAS, such use would require an amended use variance; and

WHEREAS, the property owner applied for, and on September 24, 2025, the Zoning Board of Adjustment, conditionally granted such variance for use as a “Commercial Service, Studio or Instructional Service, subject to the following conditions to which the Owner has agreed:

1. Any site improvements shall be in accordance with applicable standards of Chapter 50 of the Municipal Code.



Roll Call Number

25-1444

Agenda Item Number

53

Date October 20, 2025

2. Any use of the premises shall be for a "Commercial Service Studio or Instructional Service" use and/or any compatible use as determined by the Zoning Enforcement Officer.
3. Any design and use of the existing building shall not impede emergency access to the subject property or surrounding neighborhood.
4. Any use of the existing buildings shall be in accordance with all Building Codes and Fire Codes, with issuance of all necessary permits by the City's Permit and Development Center.
5. A copy of the Board's Decision and Order shall be recorded at the appellant's expense to ensure that any future property owners are aware of these conditions.
6. The Zoning Enforcement Officer shall bring the Use Variance back to the Zoning Board of Adjustment for reconsideration at any time that the use becomes a nuisance to surrounding properties or violates the conditions approval.

; and

WHEREAS, Iowa Code § 414.7 and Section 134-6.7.8(C) require that any use variance granted by the Board be forwarded to the City Council for its review, and the City Council may remand the variance of the separation requirement back to the zoning Board of Adjustment for further study if the Council believes the variance was improperly granted

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines as follows:

ALTERNATIVE RESOLUTIONS

(Choose One)

- A. The City Council ~~remands~~ the Decision and Order to the Zoning Board of Adjustment for further study. The effective date of the Board's decision will be deferred for 30 days from ~~the~~ the date of this remand.
- B. The City Council ~~takes~~ no action to review the Decision and Order. The decision of the Board ~~will~~ become final on November 19, 2025.
- C. The City Council declines to remand the decision to the Zoning Board of Adjustment. The decision of the Board becomes final on this date.



Roll Call Number

25-1444

Agenda Item Number

53

Date October 20, 2025

(Council Communication No. 25-381)

Moved by Mandelbaum to adopt, Alternative C.

Second by Gatto

APPROVED AS TO FORM:

/s/ Gary D. Goudelock Jr.

Gary D. Goudelock Jr.

Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
SIMONSON	✓			
VOSS	✓			
COLEMAN	✓			
WESTERGAARD	✓			
MANDELBAUM	✓			
GATTO	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

Connie Boesen

Mayor

CERTIFICATE

I, LAURA BAUMGARTNER, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Laura Baumgartner

City Clerk