

**BOARD OF ADJUSTMENT MEETING MINUTES**

BOA\_AF\_05-06-2020

Chairperson Pfannkuch called to order the May 6, 2020, regularly scheduled meeting of the Board of Adjustment at 5:30 p.m. electronically as a Zoom session due to restrictions on public assembly.

Roll Call: Christiansen, Cunningham, Pfannkuch, Stevens.....Present  
Blaser.....Absent

**Item 1 – Consent Agenda**

**Item 1a – Minutes of April 1, 2020**

Chairperson Pfannkuch asked for any questions or modifications to the meeting minutes of April 1, 2020.

Moved by Board Member Cunningham, seconded by Board Member Christiansen, the April 1, 2020 meeting minutes were approved as presented.

Vote: Christiansen, Cunningham, Pfannkuch, Stevens .....Yes  
Blaser.....Absent

Motion carried.

**Item 2 – Old Business**

There were no Old Business items.

Board member Blaser joined the meeting electronically via Zoom at 5:33 p.m.

**Item 3 – Public Hearings**

**Item 3a – El Guapo’s Tequila and Tacos Bar and Restaurant, 8950 University Avenue, Suite 105– Permitted Conditional Use Permit to Operate a Bar – Jared Weiss – PC-004696-2020**

Chairperson Pfannkuch opened the public hearing and asked the Recording Secretary to state when the public hearing notice was published. The Recording Secretary stated that the notice was published on April 24, 2020, in the Des Moines Register.

Moved by Board Member Stevens, seconded by Board Member Blaser, the Board of Adjustment accepted and made a part of the record all testimony and documents received at this public hearing.

Vote: Blaser, Christiansen, Cunningham, Pfannkuch, Stevens .....Yes  
Motion carried.

Jared Weiss, El Guapo’s Tequila and Tacos, 8950 University Ave, #105, West Des Moines, briefly stated that he opened the former Gusto Pizza location as a restaurant since it had already been approved as a restaurant use. Since approximately fifty percent (50%) of his sales was alcohol related, staff recommended that he apply for a Permitted Conditional Use permit to operate as a bar/restaurant use vs. a bar use. He concluded that he would like to install a fence around the existing patio area to enclose it better.

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Chairperson Pfannkuch asked for any other questions or comments from the audience and upon hearing none, declared the public hearing item closed.

Kara Tragesser, City Planner, did acknowledge that this location was formerly a restaurant but does currently operate as a bar/restaurant. Staff did recommend that the applicant obtain a Permitted Conditional Use permit in order to be compliant with the City's zoning ordinance. Staff has no objections to the applicant installing a six-foot (6') fence around the patio to mitigate light and noise from the residential area that is located approximately 300 feet to the north of this property. Staff does recommend approval of the Permitted Conditional Use Permit request.

Chairperson Pfannkuch asked for continued discussion or a motion for this item.

Moved by Board Member Cunningham, seconded by Board Member Stevens, the Board of Adjustment adopted a resolution to approve the Permitted Conditional Use Permit to operate a bar/restaurant at 8950 University Avenue, Suite 105.

Vote: Blaser, Christiansen, Cunningham, Pfannkuch, Stevens .....Yes  
Motion carried.

### **Item 4 – New Business**

There were no New Business items.

### **Item 5 – Staff Reports**

There were no staff reports reported.

### **Item 6 – Adjournment**

Chairperson Pfannkuch asked for a motion to adjourn the meeting.

Moved by Board Member Cunningham, seconded by Board Member Stevens, the Board of Adjustment meeting adjourned at 5:40 p.m.

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Angie Pfannkuch, Chairperson

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Michelle Riesenber, Recording Secretary