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| <br><b>Council<br/>Communication</b><br>Office of the City Manager | <b>Date</b>   | June 19, 2006 |
|   | <b>Agenda Item No.</b> <b>58</b><br><b>Roll Call No.</b> <b><u>06-</u></b><br><b>Communication No.</b> <b><u>06-355</u></b><br><b>Submitted by:</b> Larry D. Hulse, Community<br>Development Director |               |

**AGENDA HEADING:**

Appeal of the Historic Preservation Commission action regarding a Certificate of Appropriateness for the property at 729 17th Street located in Sherman Hill Local Historic District.

**SYNOPSIS:**

Staff recommends that the City Council uphold the Historic Preservation Commission’s decision to conditionally approve Certificate of Appropriateness No. 20-2006-5.36 (denying the use of metal window trim wrap).

**FISCAL IMPACT: NONE**

Amount:

Funding Source:

**ADDITIONAL INFORMATION:**

OPM Partners (7405 University Avenue, Suite 3, Clive, IA 50325-1343, Jim Shipley, Partner) is appealing the portion of the Historic Preservation Commission’s decision regarding Certificate of Appropriateness No. 20-2006-5.36, which denied the use of metal window trim wrap at 729 17<sup>th</sup> Street in the Sherman Hill Historic District.

Section 58-31(f) of the City Code states that decisions of the Historic Preservation Commission may be appealed to the City Council. The Code further states that “in deciding such appeal, the City Council shall consider whether the Commission has exercised its powers and followed the guidelines established by law and ordinance and whether the Commission’s action was patently arbitrary or capricious.”

On April 19, 2006, the Historic Preservation Commission considered OPM Partner’s request to replace the existing shingles with asphalt shingles, to replace the siding with a wood like composite siding, and to wrap the window trim with metal. At the meeting, the appellant further defined their request by suggesting cement board siding or vinyl siding as options.

The Commission approved the replacement of the shingles and the siding on the condition that the owner use narrow lap cement board siding with the smooth finish side exposed. The Commission denied the portion of the request pertaining to the use of metal window trim wrap.

The subject property is a non-contributing structure within the historic district but is subject to the design guidelines of the historic district. Non-contributing structures are governed by the guidelines to ensure that improvements to existing buildings and new construction complement the character of the neighborhood. As a non-contributing structure, this project was reviewed against the City's *Architectural Guidelines for New Construction in Des Moines' Historic Districts*. The guidelines state that the use of similar materials is a way to blend new buildings to historic buildings in the neighborhood. The Historic Preservation Commission does not believe that metal window trim wrap is similar to the historic materials of the neighborhood. Metal wrap was not used historically and does not have the appearance of any historic window materials that were used. OPM Partners could repair and paint the existing wood trim or return to the Commission for the use of alternative materials. Staff recommends that the City Council uphold the Commission's decision.

OPM Partners also requested clarification on what is considered narrow siding and the appropriateness of exposing the smooth side of cement board siding. Staff has notified the appellant's legal representative that narrow lap siding is generally understood to be between 3" and 5" of exposed lap depending on the style and scale of the building, and a 4" to 5" exposure would be appropriate for the subject building. Staff also informed the appellant's representative that the installation of cement board siding with the smooth side exposed has been required repeatedly, and staff is not aware of any problems it has created or of any industry standards that indicated that this is an inappropriate use of the material. Wood siding was historically sanded, giving it a smooth appearance particularly after painting. The use of the smooth side of cement board gives it a similar appearance.

#### **PREVIOUS COUNCIL ACTION(S):**

Date: June 5, 2006

Roll Call Number: 06-1098

Action: Setting date of hearing on request from OPM Partners regarding denial of Certificate of Appropriateness for exterior alterations to a structure at 729 – 17<sup>th</sup> Street in the Sherman Hill Historic District, (6-19-06). Moved by Kiernan to adopt. Motion Carried 6-1.

#### **BOARD/COMMISSION ACTION(S):**

Date: April 19, 2006

Roll Call Number: N/A

Action: Historic Preservation Commission approved a Certificate of Appropriateness for the replacement of shingles and the replacement of siding with narrow lap cement board siding with smooth finish side exposed. The Commission denied the OPM Partners' request to wrap the window trim with metal.

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

