



Council Communication

Office of the City Manager

Date

January 8, 2007

Agenda Item No. 47

Roll Call No. 07-

Communication No. 07-014

Submitted by: Larry D. Hulse, Community
Development Director

AGENDA HEADING:

Appeal of the Historic Preservation Commission action regarding restrictions of fencing at 649 18th Street located in Sherman Hill Local Historic District (E.C. Muelhaupt, owner).

SYNOPSIS:

Recommend approval to uphold the decision of the Historic Preservation Commission to approve a Certificate of Appropriateness with conditions regarding the design for fencing at 649 18th Street.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

E.C. Muelhaupt is appealing the November 15, 2006, decision of the Historic Preservation Commission to conditionally grant a Certificate of Appropriateness for fencing at 649 18th Street.

Mr. Muelhaupt requests to construct a fence along his south lot line. The fence would be a 3 foot high, solid fence with an additional 1-foot of wood lattice on top within the front yard setback; a 6-foot high, solid, dog-eared picket fence within the side yard; and an 8-foot high, solid, dog eared fence within the rear yard. In his presentation before the Historic Preservation Commission, Mr. Muelhaupt noted that the additional fence height in the front and rear yard was necessary to provide privacy from the adjoining property to the south (Beacon of Life).

The Commission voted 7-0 that Mr. Muelhaupt's request would be in harmony with the historic character of the neighborhood and would meet the requirements set out in the Historic District Ordinance, the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, and the City of Des Moines' Standard Specifications, subject to the following conditions and modifications:

1. The front yard segment of fence is limited to 3' in height with no lattice element on top of the pickets.
2. The rear and side yard segments of fence are limited to 6' in height.
3. Pickets on both sides of the fence are placed back-to-back and not alternating.
4. Use of 4" x 4" posts that are exposed and include a base and cap in the front and side yards.

5. Post cap element may be similar in design to porch spindles.
6. Provision of a $\frac{3}{4}$ " gap between the pickets.
7. Application of the same stain or paint finish on all sections of the fence.
8. Provision of a pointed top or other appropriate picket top design, not including "dog eared" style tops, along the entire length of the fence.
9. Review and approval of post base and cap design and picket top design by staff.

The Chair of the Historic Preservation Commission specifically expressed concern about the additional fence height requested, as the fence will sit on top of a retaining wall between the two properties. Mr. Muelhaupt also allegedly reached agreement with surrounding neighbors to limit the height of the fence to 6-feet in exchange for their support for his application for a Certificate of Appropriateness for a detached garage that was approved in August of 2006.

Mr. Muelhaupt notes in his appeal that "there are fences in Sherman Hill that have gaps smaller than $\frac{3}{4}$ ", have dog ear shaped tops in the side and front yard, are taller than 6' in the rear yard, do not have exposed posts, and are not painted or stained."

Mr. Muelhaupt did not cite specific properties nor are such properties the subject of this appeal. While there may be examples of improvements in the Sherman Hill Historic District that do not meet the Architectural Guidelines, staff believes that their presence is due to one of the following:

- The improvements were constructed prior to establishment of the Sherman Hill Local Historic District and are "grandfathered;"
- The improvements were constructed without a Certificate of Appropriateness and the alleged violations have not been brought to staff's attention for enforcement;
- The improvements were constructed or altered in violation of conditions of a Certificate of Appropriateness and the alleged violations have not be brought to staff's attention for enforcement; or
- The improvements were constructed in compliance with a Certificate of Appropriateness where the Historic Preservation Commission authorized variance to portions of the Architectural Guidelines based upon a unique set of circumstances for a specific application.

The application, staff report and meeting summary from the November 15, 2006, Historic Preservation Commission meeting and Mr. Muelhaupt's appeal are attached.

PREVIOUS COUNCIL ACTION(S):

Date: December 18, 2006

Roll Call Number: 06-2463

Action: Set date of hearing [on](#) appeal of decision of Historic Preservation Commission regarding restrictions of fencing at 649-18th Street, (1-08-07). Moved by Vlassis to adopt. Motion Carried 6-0.

BOARD/COMMISSION ACTION(S):

Date: November 15, 2006

Roll Call Number: N/A

Action: Historic Preservation Commission voted 7-0 to approve a Certificate of Appropriateness with conditions regarding the design of the fence.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE