

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b> August 28, 2017
	<b>Agenda Item No.</b> 60 <b>Roll Call No.</b> <u>17-1514</u> <b>Communication No.</b> <u>17-621</u> <b>Submitted by:</b> Phillip Delafield, Community Development Director

**AGENDA HEADING:**

Public hearing on appeal by Clifford C. Post from the decision by the Historic Preservation Commission (HPC) to deny an application for a Certificate of Appropriateness (COA) to allow the retention of a metal shed.

- A. Resolution affirming the decision of the Historic Preservation Commission to deny the request.
- B. Alternate resolution issuing a Certificate of Appropriateness to allow the retention of the subject shed.

**SYNOPSIS:**

- Mr. Clifford Post proposes to retain a metal shed that was installed in the rear yard without a COA.
- The HPC denied the request on June 21, 2017. The summary of discussion, staff report and photographs from the Commission meeting, as well as the COA and the appeal filed by Mr. Post are attached to the roll call.
- Staff recommends that the City Council uphold the decision of the Commission (Option A).

**FISCAL IMPACT: NONE**

**ADDITIONAL INFORMATION:**

- On January 31, 2017, staff mailed Mr. Post a violation notice in response to a complaint that two (2) sheds had been installed on the subject property without a COA.
- Mr. Post submitted an application for the retention of a metal prefabricated shed and a plastic prefabricated shed for the February 15, 2017, HPC meeting.
- During the hearing, Mr. Post testified that the metal shed was recently installed but the plastic shed had been in place for at least five (5) years and that it may predate the establishment of the River Bend Local Historic District in 2012.
- The HPC continued the request indefinitely, so staff could review the status of the plastic shed. Aerial photography from 2011 shows that the plastic shed predates the establishment of the historic district in 2012. It is not subject to review and was removed from consideration.

- The HPC also requested that staff contact the State Historic Preservation Office (SHPO) for guidance to ensure that the HPC's past practice of not allowing prefabricated metal sheds was appropriate.
- SHPO staff posted a request for input on the use of prefabricated metal shed in local historic districts in other cities on a historic preservation oriented listserv. A total of five (5) responses were received with four (4) of the responders indicating that they can be approved under certain conditions and one (1) responder indicating that they are prohibited.
- The SHPO did not provide direct guidance on the use of prefabricated metal sheds.
- The City's Architectural Guidelines for New Construction in Des Moines' Historic Districts states "prefabricated metal outbuilding are not permitted."
- The design guidelines also state: new outbuildings should relate well to the principal structure in material; brick, narrow lap siding or board and batten siding may be appropriate; and Masonite and other artificial siding may be an acceptable substitute for clapboard if the wall is detailed in a manner similar to original siding.
- The HPC denied the request as it does not comply with the City's Architectural Guidelines for New Construction and noted the need to be consistent with past actions.
- The appeal notes a request for the retention of a plastic shed at 1435 9<sup>th</sup> Street that was considered by the HPC after Mr. Post's request at the same meeting. This request was also denied by the HPC. The property owner of 1435 9<sup>th</sup> Street has agreed to remove the plastic shed and obtained approval from the HPC on August 16, 2017, for the installation of a prefabricated shed that has LP Smart Siding (engineered wood) and asphalt shingles.
- Staff believes that the Commission's decision was consistent with the Architectural Guidelines for New Construction in Des Moines' Historic Districts. Staff recommends that the City Council uphold the decision of the Historic Preservation Commission as their decision was not arbitrary or capricious.

**PREVIOUS COUNCIL ACTION(S):**

Date: August 14, 2017

Roll Call Number: [17-1366](#)

Action: [On](#) appeal from Clifford Post, 1815 Oakland Avenue, of the decision of the Historic Preservation Commission, (8-28-17). Moved by Hensley to adopt. Motion Carried 7-0.

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

Board: Historic Preservation Commission

Date: July 19, 2017

Resolution Number: 20-2017-9.19

Action: Denial of a Certificate of Appropriateness (COA) to allow the retention of a metal shed in the rear yard. Motion carried 6-0.

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

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