

COUNCIL COMMUNICATION

	Number:	19-268	Meeting:	June 3, 2019
	Agenda Item:	62	Roll Call:	19-0937
	Submitted by:	Chris Johansen, Community Development Director		

AGENDA HEADING:

Public hearing on appeal from decision of the Historic Preservation Commission (HPC) by Jonathan Fudge to conditionally grant an application for a Certificate of Appropriateness (COA), including conditions requiring removal of fascia boards installed prior to the issuance of the COA and requiring the use of half-round gutters and round downspouts at 821 16th Street in the Sherman Hill Historic District.

- A. Resolution affirming the decision of the HPC to conditionally grant a COA.
- B. Alternate resolution issuing a COA to allow the retention of fascia boards and k-style gutter systems on the house and the garage.
- C. Alternate resolution remanding the application to the HPC to allow the Commission to consider the relevance or impact on its decision of the four (4) houses with k-style gutters that Applicant relied on, in his appeal to Council, but that were not brought to the attention of the Commission at its hearing.

SYNOPSIS:

Mr. Jonathan Fudge proposes to retain the fascia boards and k-style gutter systems that were installed on the house and garage without a COA. The HPC considered the request on April 17, 2019. The staff report and photographs from the Commission meeting, as well as the COA and the appeal filed by Mr. Fudge, are attached to the roll call. A discussion summary from the Commission meeting is not available, as the recording failed. Staff recommends that the City Council uphold the decision of the Commission (Option A).

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

- On April 9, 2019, staff posted a stop work order in response to a complaint that gutters had been replaced without a COA.
- Mr. Fudge submitted an application for the April 17, 2019, meeting of the HPC seeking approval of the replacement of the gutter system on the house and the garage with k-style systems.

- In preparation for the April 17, 2019, staff found that fascia boards had been added to the house and garage for the gutters to be mounted to as both buildings had open rafter roof overhangs. This was added to the applicant's request for discussion at the HPC meeting.
- A discussion summary from the HPC meeting is not available as the recording failed. Those that spoke in favor of the application included Mr. Fudge, Marcia Miller (821 16th Street) and Carlton Salmons (1511 Center Street). No one spoke in opposition to the application. In addition to the relevant sections of the City's Architectural Guidelines for Building Rehabilitation in Des Moines' Historic Districts, the HPC discussed the following in reviewing the application:
 - A recent case from 2018, for the property at 830 16th Street, where the applicant proposed k-style gutters and the COA was issued subject to the use of half-round gutters and round downspouts.
 - A case from 2011, for the property at 721 16th Street, where k-style gutters and round downspouts were approved because a historic photograph showed that the building originally had a built-in gutter system that the shape of the k-style gutters reflected.
 - The challenge of reviewing cases where the work has already been completed and how decisions made on those cases impact the review of applications where work has not been undertaken.
- The City's Architectural Guidelines for Building Rehabilitation in Des Moines' Historic Districts states "restoration of the original roof shape is critical in rehabilitating a building" and "changing an original roof shape and style is not permitted." The subject house was originally constructed with an open rafter design and the garage was constructed to match this character. Installing a fascia board conceals the rafters and alters the style of the roof.
- The City's Architectural Guidelines for Building Rehabilitation in Des Moines' Historic Districts states "half-round gutters and round downspouts are recommended."
- The HPC issued a COA subject to conditions that require the fascia boards to be removed and the gutter system to be replaced with a half-round gutters and round downspouts on the house and the garage.
- The appeal from Mr. Fudge identifies four (4) properties that have k-style gutters that were not included in his application or discussed at the April 17, 2019 HPC meeting. Staff has reviewed the records for these addresses and found the following:
 - *410 Franklin Avenue* – No applications have been submitted for gutter replacement. The property is located in the River Bend Local Historic District, which was established in 2012. A photograph dated 2006 on the Polk County Assessor Webpage indicates the house had k-style gutters at that time, which predates the establishment of the district.
 - *523 Franklin Avenue* – No applications have been submitted for gutter replacement. The property is located in the River Bend Local Historic District, which was established in 2012. A photograph dated 2010 on the Polk County Assessor Webpage indicates the house had k-style gutters at that time, which predates the establishment of the district.

- *829 16th Street* – On July 16, 2008, a COA was issued to Arthur J. Collins, allowing the installation of k-style gutters on portions of the house and on the garage. The house had some existing k-style gutters that were on it when it was moved to its current location in 2006 from outside of the Sherman Hill Historic District. In the decision on this case, the HPC noted that “a k-style gutter system is appropriate in this case because it was the last known styled used on the house as illustrated in a 1950’s photograph presented by Commission Member Taenzer; and, the house also had k-style gutters in 2006 before it was moved from 1122 6th Avenue to its current location in the Sherman Hill Historic District.”
 - *849 16th Street* – No applications have been submitted for gutter replacement. The oldest application on file for the property is from 1999. Photographs in that file show that a k-style gutter system existed on the building at that time.
- Staff believes that the Commission’s decision was consistent with the Architectural Guidelines for Building Rehabilitation in Des Moines’ Historic Districts and with the process defined in Section 58-31 of the City Code. 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: May 20, 2019

Roll Call Number: [19-0797](#)

Action: [On](#) appeal from Jonathan Fudge, 821 16th Street, of the decision of the Historic Preservation Commission, (6-3-19). Moved by Gatto to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Board: Historic Preservation Commission

Date: April 17, 2019

Resolution Number: 20-2019-5.36

Action: Conditional approval of a Certificate of Appropriateness (COA) 20-2019-5.36. Motion carried 9-0.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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