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Date..... January 7, 2008

RESOLUTION SCHEDULING PUBLIC HEARING ON APPEAL  
BY TRAFALGAR PROPERTIES, L.C., FROM DENIAL OF A  
CERTIFICATE OF APPROPRIATENESS FOR A PROPOSED NEW GARAGE  
AT 1520 CENTER STREET

WHEREAS, by a decision entered on July 27, 2007, the Historic Preservation Commission conditionally approved an application from Trafalgar Holdings, L.C., represented by Mark Jesse, Manager, for a Certificate of Appropriateness for a two-car garage in the vicinity of 1520 Center Street in the Sherman Hill Historic District; and,

WHEREAS, Sherman Hill Association, Inc., represented by Jim Quilty, President, on its own behalf and on behalf of several named individuals, appealed the Commission's decision to the City Council pursuant to §58-31(f) of the Des Moines Municipal Code; and,

WHEREAS, on October 8, 2007, by Roll Call No. 07-1967, after notice and public hearing as required by law, the City Council remanded the matter back to the Historic Preservation Commission to review and reconsider the matter when the full Commission is present; and,

WHEREAS, by a decision entered on November 28, 2007, the Historic Preservation Commission reversed its earlier decision and denied the Certificate of Appropriateness; and,

WHEREAS, Trafalgar Holdings, L.C., represented by Glen Jesse, officer, has appealed the Commission's latest decision to the City Council pursuant to §58-31(f) of the Des Moines Municipal Code; NOW THEREFORE,

BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. The appeal by Trafalgar Holdings, L.C., is hereby down set for a public hearing before the City Council on February 25, 2008, at 5:00 p.m., in the Council Chambers, City Hall, Des Moines, Iowa.

( continued )

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- The City Clerk is hereby authorized and directed to publish notice of said hearing in the form hereto attached at least 4 days, but no more than 20 days before the hearing, all in accordance with §362.3 of the Iowa Code.

MOVED by \_\_\_\_\_ to adopt.

FORM APPROVED:

*Roger K Brown*

Roger K. Brown

Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

.....  
Mayor

**CERTIFICATE**

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_  
City Clerk

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Appeal of Historic Preservation Commission Ruling

Des Moines City Council  
City of Des Moines, Iowa  
December 17, 2007

2007 DEC 18 PM 2:49

CITY CLERK  
DES MOINES, IOWA

Council Members:

As the owners of the property located at 1520 Center in the Sherman Hill Historic District, we appeal the November 28<sup>th</sup> ruling of the Historic Commission that reversed three earlier decisions and denied us the right to build a modest garage on our property.

The issue was returned to the Commission by the City Council at your October 8<sup>th</sup> meeting based on an appeal by members of the Sherman Hill Association claiming that the Commission had failed to consider three guidelines in their earlier decisions. In response to those claims we noted that our property does not have access to the alley since the south half of the lot was sold in 1912. Secondly, we pointed out that referencing the Sanborn Maps of 1906 would suggest that the garage should be built to the west of our house, since a house was once located on that site and is the only other structure shown on the current property on the 1906 map. Thirdly, we pointed out that no new curb cut was being called for since we had closed our east driveway following the Commissions first ruling and in anticipation of eventually building a garage to the west of the house at 1520 Center. The Commission did not give these facts due consideration, but was swayed by the publics assertions that the corner of 16th and Center was too important to be a garage and that a park should be built on the property. Even though we have sufficient land to construct a garage and we do not have access to the alley, the Commission reversed its earlier decisions and left us with no garage and no off street parking. Thus, the Commission did us great financial damage.

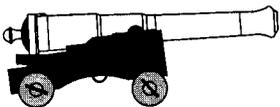
We would argue further that the Commission demonstrated a total lack of any fair and impartial consistency. As a case in point one need only look to the east of our house to see a huge 24 x 36 foot garage built recently with the Commissions blessing. This two-story structure was build as close the property line as allowed and off a driveway opening onto Center Street in spite of the fact that the Burnett property does have access to the alley to the south. They can build a huge garage to the east but we can build no garage period to the west of the same house. This is arbitrary and capricious at best and at worst is an effort to hold us hostage for the purposed park on our land.

If it is the desire of the Commission and the Council to build a park on our property, then buy it at a fair and equitable price. Otherwise, we should be allowed to go forward and to complete our restoration project including the necessary garage.

Sincerely



Glen D. Jesse



**TRAFALGAR  
PROPERTIES**

GLEN JESSE

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