

Date..... October 8, 2007

RESOLUTION AFFIRMING THE DECISION OF THE HISTORIC  
PRESERVATION COMMISSION

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, has appealed the Commission's decision to the City Council pursuant to §58-31(f) of the Des Moines Municipal Code;

WHEREAS, on August 6, 2007, by Roll Call No. 07-1518, it was duly resolved by the City Council that the appeal be set down for hearing on August 20, 2007, at 5:00 p.m., in the Council Chambers; and,

WHEREAS, due notice of the hearing was mailed to Trafalgar Holdings, L.C., and to the Sherman Hiss Association on August 3, 2007, and published in the Des Moines Register on August 9, 2007; and,

WHEREAS, on August 20, 2007, by Roll Call No. 07-1647, on September 10, 2007, by Roll Call No. 07-1759, and on September 24, 2007, by Roll Call No. 07-1876 the City Council continued the hearing until October 8, 2007, at 5:00 p.m.; and,

WHEREAS, in accordance with the said notice, those interested in the issuance of the Certificate of Appropriateness, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; and,

WHEREAS, Section 303.34(3) of the Iowa Code and Section 58-31(f) of the Des Moines Municipal Code provide that on an appeal such as this, the City Council shall consider whether the Historic Preservation Commission has exercised its powers and followed the guidelines established by the law and ordinance, and whether the Commission's decision was patently arbitrary or capricious; NOW THEREFORE,

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

1. The public hearing on the appeal is hereby closed.
2. The City Council hereby finds that the decision of the Historic Preservation Commission granting a Certificate of Appropriateness for a new garage at 1520 Center Street is not arbitrary or capricious and should be upheld and affirmed.

( continued )

Date..... October 8, 2007

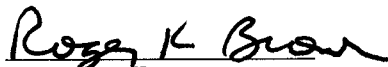
3. The City Council hereby makes the following findings in support of this decision:

- a) The appellant has failed to demonstrate that the decision of the Historic Preservation Commission to grant the Certificate of Appropriateness was arbitrary or capricious.
- b) It is not reasonable to require that the applicant trade land with the owners of the adjoining apartment building at 751 – 16th Street. Such a land trade would require: i) the approval and cooperation of that other owner; ii) the release or refinancing of all mortgages on the traded parcels; and iii) an exception from the Board of Adjustment because the apartment building is already non-conforming with the lot area and off-street parking requirements, and would lose its lot of record status upon any voluntary conveyance of any portion of the current lot.

( Council Communication No. 07- )

MOVED by \_\_\_\_\_ to adopt, and affirm the decision of the Historic Preservation Commission to conditionally approve the Certificate of Appropriateness.

FORM APPROVED:



Roger K. Brown  
 Assistant City Attorney  
 C:\Rog\Historic\Appeals\1520 Center\RC Hrg.doc

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE         |      |      |      |        |
| COLEMAN        |      |      |      |        |
| HENSLEY        |      |      |      |        |
| KIERNAN        |      |      |      |        |
| MAHAFFEY       |      |      |      |        |
| MEYER          |      |      |      |        |
| VLISSIS        |      |      |      |        |
| TOTAL          |      |      |      |        |

MOTION CARRIED

APPROVED

.....  
 Mayor

**CERTIFICATE**

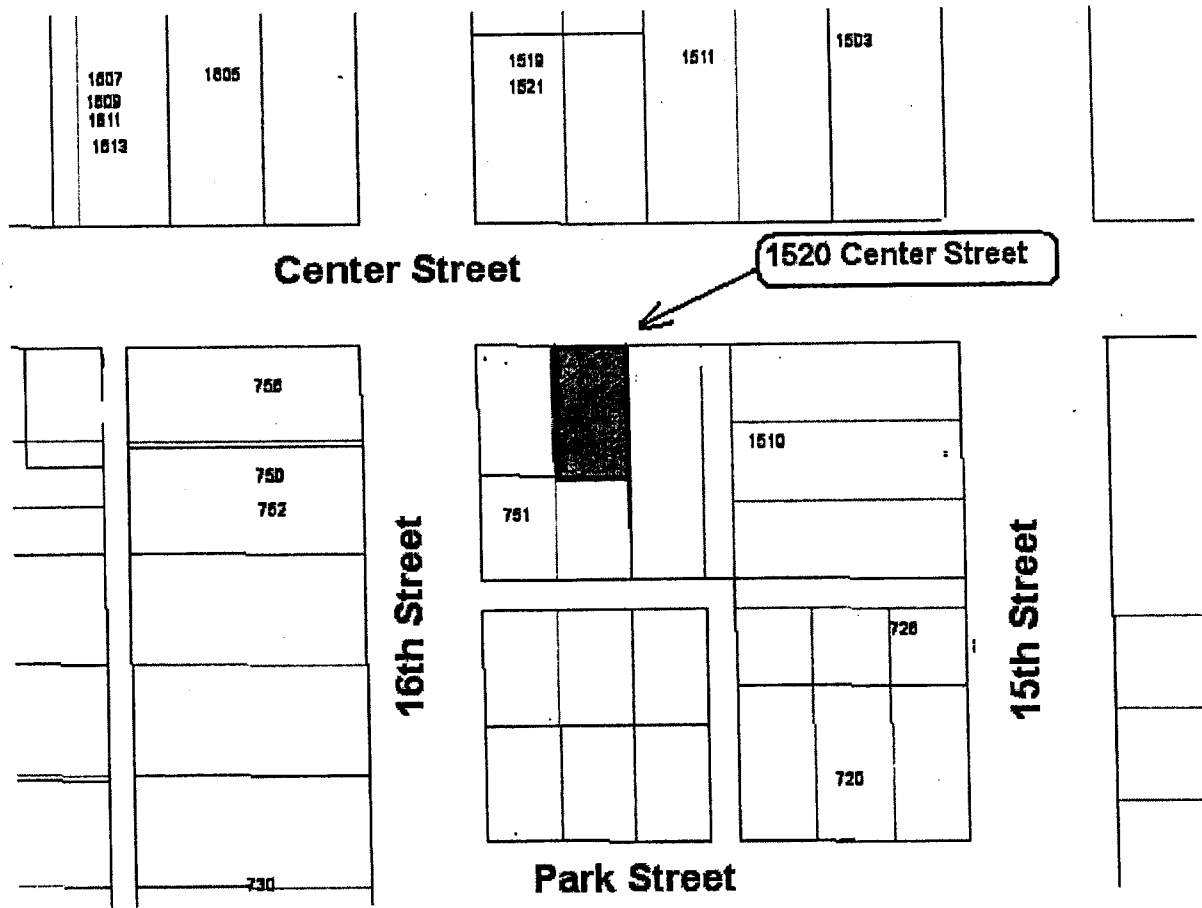
**I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.**

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

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

~~59 A+B~~  
47 A+B

**Appeal from issuance of a Certificate of Appropriateness  
for the construction of a new garage at 1520 Center Street**





August 1, 2007

City Clerk  
400 Robert Ray Drive  
Des Moines, Iowa 50309

Re: 1520 Center Street

Dear City Clerk:

Pursuant to Des Moines Municipal Code § 58-31(f), please consider this letter as notice of appeal as it relates to the Certificate of Appropriateness issued for the above property on July 27, 2007. The following entities and individuals are parties "aggrieved" by the Historic District Commission's action in approving the construction of an outbuilding in the location and manner proposed:

Sherman Hill Association  
Carlton Salmons  
Ralph Gross  
Martha Gross  
Chuck Farr  
Marilyn Farr  
Sue Terry  
Jo Campney  
Tom Chase  
Rochelle Burnett  
Doug Burnett

The Architectural Guidelines for New Construction in Des Moines' historic districts provides that the following items should be considered as it relates to outbuildings:

- They should be set along the alley or as close to the alley as code will allow;
- Sanborn maps should be consulted regarding the placement of the outbuilding;
- The typical pattern of outbuildings in the neighborhood should be continued; and

2007 AUG - 2 AM 10:34  
CITY CLERK  
DES MOINES, IOWA  
FILED

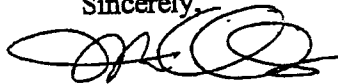
- No curb cuts should be included as part of the design if otherwise avoidable.

Our particular concern with the plan approved relates to bullet points 1, 2 and 4. The Sanborn map shows that the property in question originally had a back lot that extended to the alleyway immediately south of the property. It appears that over the years, the southern portion of the lot was absorbed by the adjacent three story brick sitting to the immediate south west of the property in question. At the same time, the open lot where the garage is proposed was originally part of a lot that ran from Center street south to the lot line of the existing three story brick. We believe considerations 1, 2, and 4 could and should have been addressed by encouraging the applicant to explore some type of property swap with the three story brick and/or outright acquisition of the historic south portion of the lot so that the construction of an outbuilding could have been accomplished consistent with the guidelines.

The Sherman Hill Association has attempted to reach the applicant to discuss working with him to facilitate this result. As we have had no success to date and the time for appeal is set, we have pursued our appeal rights. We hope that a mutually acceptable result can be achieved without the need to appear before the City council.

Thank you for your attention to this matter.

Sincerely,



Jim Quilty

Cc: Jason Van Essen

**CITY OF DES MOINES HISTORIC PRESERVATION COMMISSION**  
**STAFF REPORT AND RECOMMENDATION**  
Wednesday, July 18, 2007

**AGENDA ITEM #4**

**20-2008-5.04**

**Applicant:** Trafalgar Holdings LC (owner) represented by Mark Jesse (officer).

**Location:** 1520 Center Street (Sherman Hill Historic District).

**Requested Action:** Construction of a 2-car garage.

## **I. GENERAL INFORMATION**

1. **Purpose of the Request:** The applicant is proposing to construct a 20' x 24' detached garage on west portion of the property. The proposed garage would have two 8'-wide overhead doors facing west toward 16th Street and would have a roof pitch to match the single-family dwelling. The proposed garage would be accessed by a 10'-wide driveway from 16th Street that flares to 20'-wide on the property. The garage would be setback 14' from the west front property line along 16th Street and 29' from the front property line along Center Street. According to the submitted elevations, the garage would have two double-hung windows on both the north and south facades and one double-hung window and a pedestrian door on the east facade.
2. **Site Description:** The subject property measures 83' x 70' and is located at the southeast corner of the intersection of 16<sup>th</sup> Street and Center Street. The property is comprised of two lots owned and used in common for a single-family residential use. The 2-story was built circa 1890.
3. **Sanborn Map:** The 1901 maps indicate that the two parcels comprising the subject property each originally contained a single-family dwelling. The 1920 map indicates that the south 56' of the two parcels was divided off and a multiple-family residential structure was constructed on the southern parcel. The 1957 map is similar to the 1920 map. Therefore, the dwelling on the western parcel was removed at an unknown time after 1956.
4. **Relevant COA History:** On September 21, 2005, a Certificate of Appropriateness was issued to construct a 14' x 20' single-car garage. This garage was never constructed and, therefore, this Certificate of Appropriateness has since expired. This garage was also going to be oriented to Center Street and its driveway would have required the removal of a street tree or required the driveway to significantly curve to the west. The location of the street tree along Center Street was not taken into consideration when the COA was approved in 2005.

## II. APPLICABLE DESIGN GUIDELINES

### 1. Architectural Guidelines for New Construction (2-Car Garage):

- a. Double garages should have two single doors rather than one double-wide door.

*The proposed garage satisfies this guideline, as it has two 8'-wide overhead doors facing west toward 16<sup>th</sup> Street.*

- b. Garages which are part of new construction should be located in a position relative to the main building which is the same as other original garages and outbuildings in the historic district.

*The original property did not contain an outbuilding. Staff believes the proposed placement of the garage is appropriate, as it would appear to be subordinate to the primary dwelling and preserve two existing oak trees. The proposed garage would be accessed by a 10'-wide driveway from 16<sup>th</sup> Street that flares to 20'-wide on the property. The garage would be setback 14' from the west front property line along 16<sup>th</sup> Street and 29' from the front property line along Center Street.*

- c. New outbuildings should be simple in design while incorporating traditional elements of scale, roof form, and material. The height should typically be 1 to 1-½ stories with a 10' floor-to-ceiling height.
- d. The roof of an outbuilding should be similar to the roof form of the principal structure. The pitch of a gable roof should typically be no less than 6:12.
- e. A new garage or outbuilding should relate well to the principal structure in material. Brick, narrow lap siding or board and batten may be appropriate.
- f. The new out building should not attempt to mimic the house or look like a barn or other non-original outbuilding.
- g. New outbuildings should use a window pattern, which follows that of the primary structure. Codes limiting window openings within 3' of the lot line and/or within 6' of other buildings must be satisfied.

*Staff believes the proposed garage meets these guidelines if a vent element or small double-hung window is provided in the front (west) gable.*

### 2. Architectural Guidelines for New Construction (driveways):

- a. Curb cuts should not be created where the alley pattern exists except where there is no other acceptable alternative for the continued functioning of the site.
- b. The typical pattern of outbuildings historically established in the neighborhood should be continued in any new construction.

- c. Additional curb cuts should be kept to a minimum and whenever possible avoided.
- d. Double wide curb cuts and double wide driveways should not be created.

*The proposed garage satisfies these guidelines. The proposed garage would be accessed by a 10'-wide driveway and curb cut from 16<sup>th</sup> Street that flares to 20'-wide on the property.*

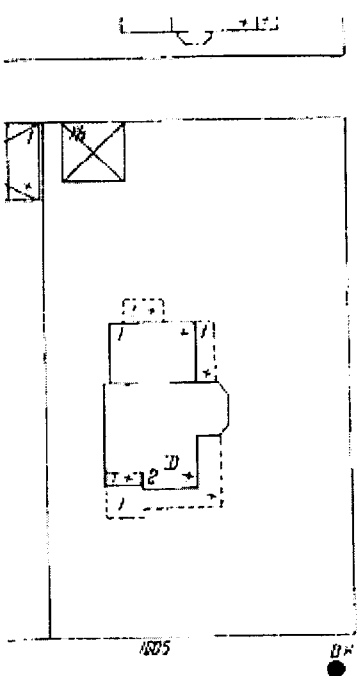
### **III. STAFF RECOMMENDATION**

Staff recommends approval of the requested Certificate of Appropriateness subject to following conditions:

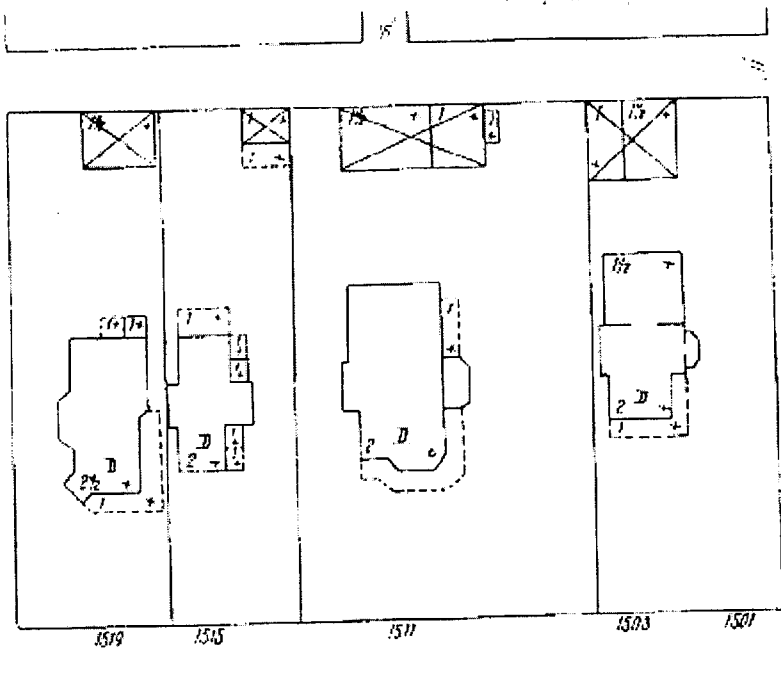
1. The garage is constructed in accordance with the submitted site sketch and elevations, with materials, including horizontal lap siding, trim, and shingles, which match the primary dwelling.
2. Provision of a vent element or small double-hung window in the front (west) gable.
3. Compliance with all applicable Building Codes with issuance of all necessary permits by the Permit and Development Center for any light poles installed.



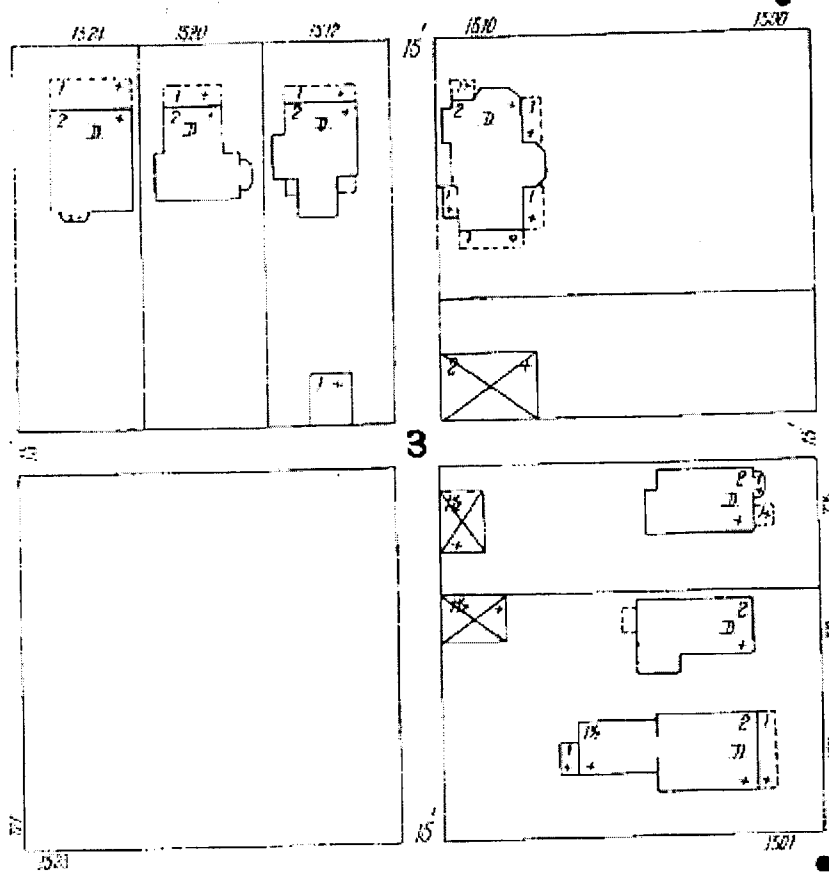
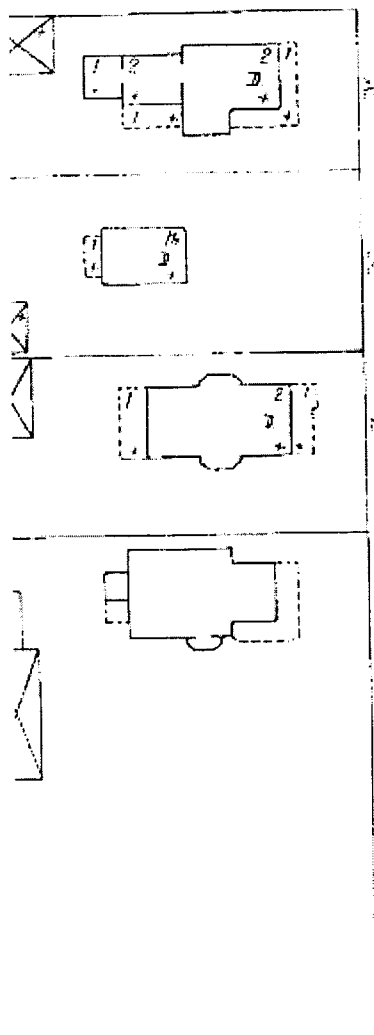
1901



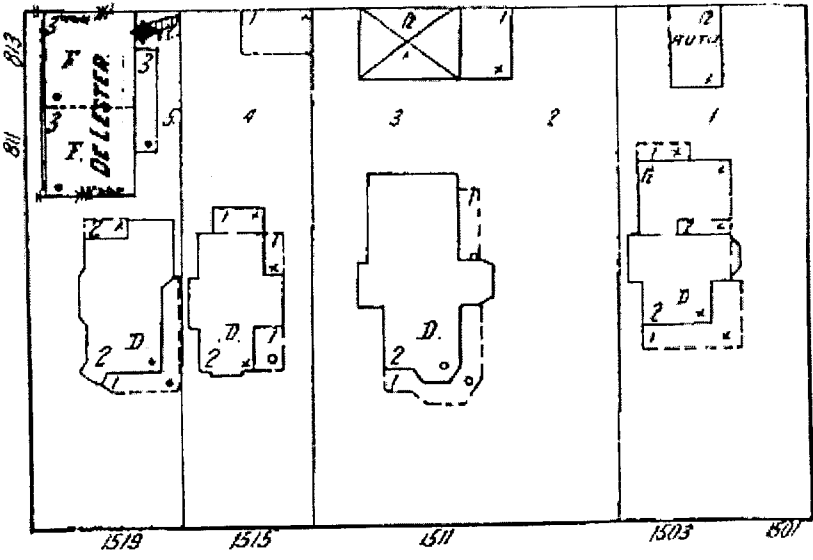
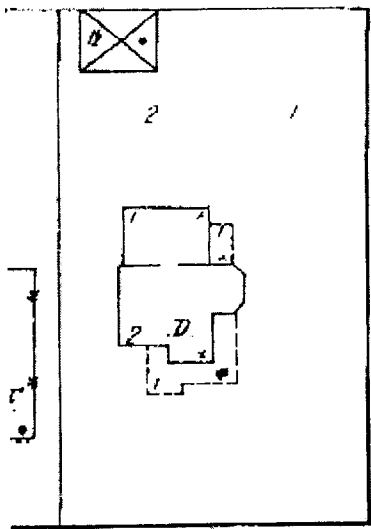
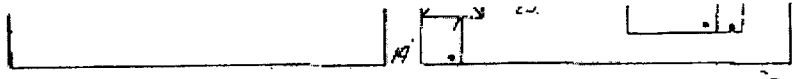
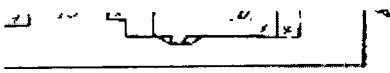
16TH (N.W.)



R 6' 7" 1/4



PARK

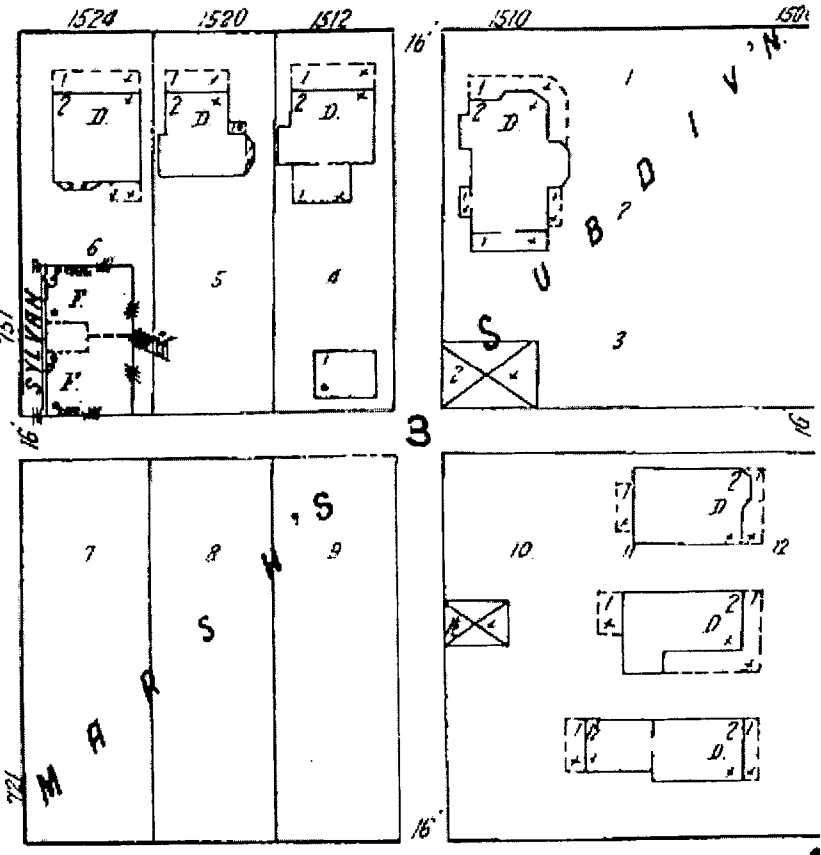
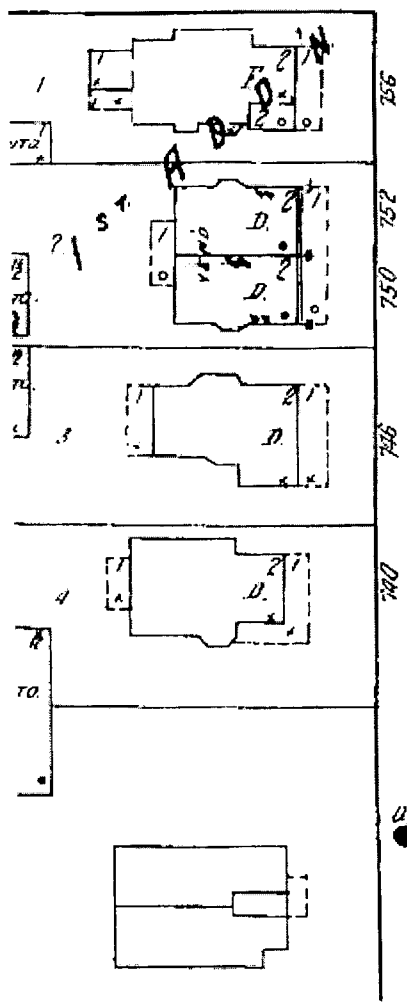


79 1025 D.H

1519 1515 1511 1503 1501

R

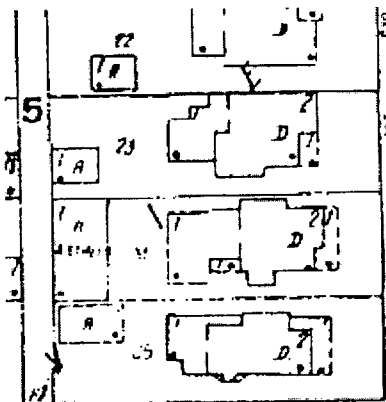
6" H. PIPE



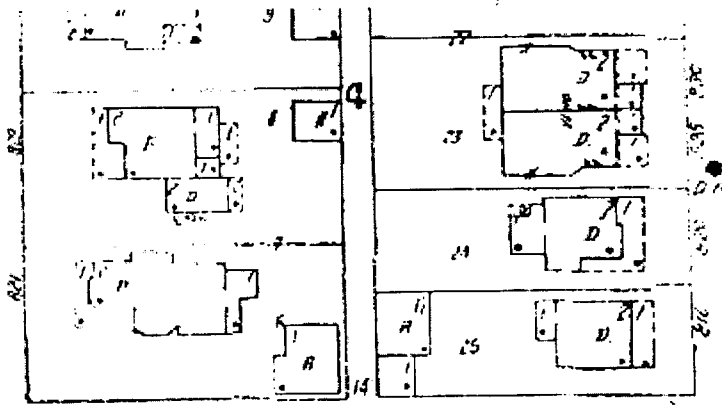
60'

PARK

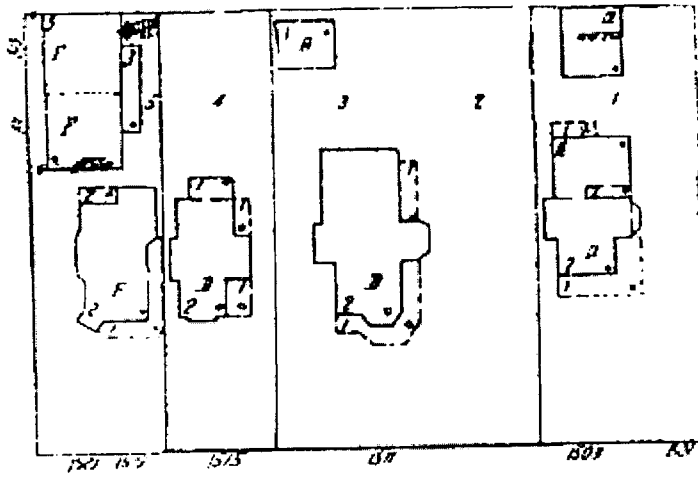
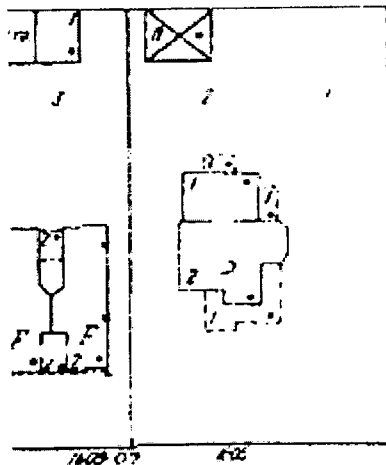
60'



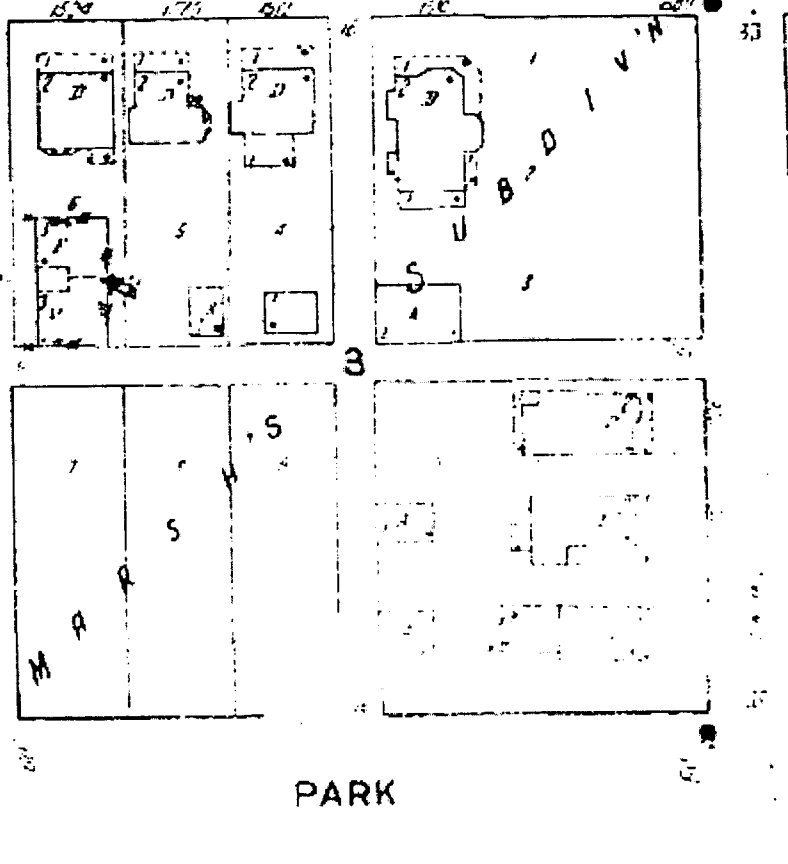
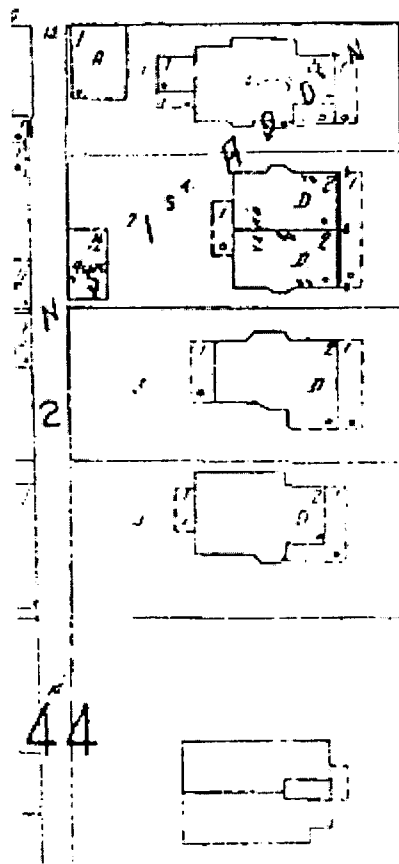
W. 16TH



W. 15TH  
V O L U M E  
S E E



INTER



PARK

APPLICATION FOR CERTIFICATE OF APPROPRIATENESS  
CITY OF DES MOINES  
HISTORIC PRESERVATION COMMISSION

(To be filled out by the applicant)

File Number 20- 1009 1000

Address of the Property 1520 Center St

Legal Description of the Property -EX S 563 F-E 38F L T 5 MARSH SUB DIV

Owner of the Property Trafalgar Holdings, LLC

Owner's Phone Number: Home 515/202-8786 Work 515/

Applicant's Name, Address and Phone Number (if different from owner)

Current use of the property Vacant, being remodeled for resale

Approximate date structure was built 1890

Note the year any major alterations was completed and indicate source of data

2007, major renovation by current owner

  
Applicant's Signature

July 9, 2007  
Date

To be filled out by staff:

Date of Historic Preservation Commission meeting \_\_\_\_\_

Received by \_\_\_\_\_ Date \_\_\_\_\_

Your application will be placed on the agenda for the next Commission meeting if it is received two weeks prior to the next regularly scheduled meeting date. Meetings are scheduled for the third Wednesday of each month.

NOTE: you are hereby advised that no work should commence on the above property until such time as the Historic Preservation Commission has issued a Certificate of Appropriateness

**To be filled out by the Applicant**

Separately describe each job to be performed on the exterior of the structure and/or property.

1a. What is being done? 1b. What materials are being used? 1c. What changes in appearance will there be?

Construct Garage, 22' x 20', two-car facing  
16<sup>th</sup> St (West), gables on east & west sides,  
Pitch of roof to match those of house. Details  
(windows, doors, trim, siding & shingles to match  
those of house). Drive way 10' wide through  
PARKING, "4" to 20' at garage itself. Primary  
design consideration is to NOT remove house,  
while attempting to split the difference between  
two beautiful existing oak trees.

2a. What is being done? 2b. What materials are being used? 2c. What changes in appearance will there be?

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3a. What is being done? 3b. What materials are being used? 3c. What changes in appearance will there be?

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Attach drawings as described on page 2 to illustrate above described changes.

NOTE: All measurements are approximate

Site Plan - 1520 Center Garage  
Updated: July 9, 2007

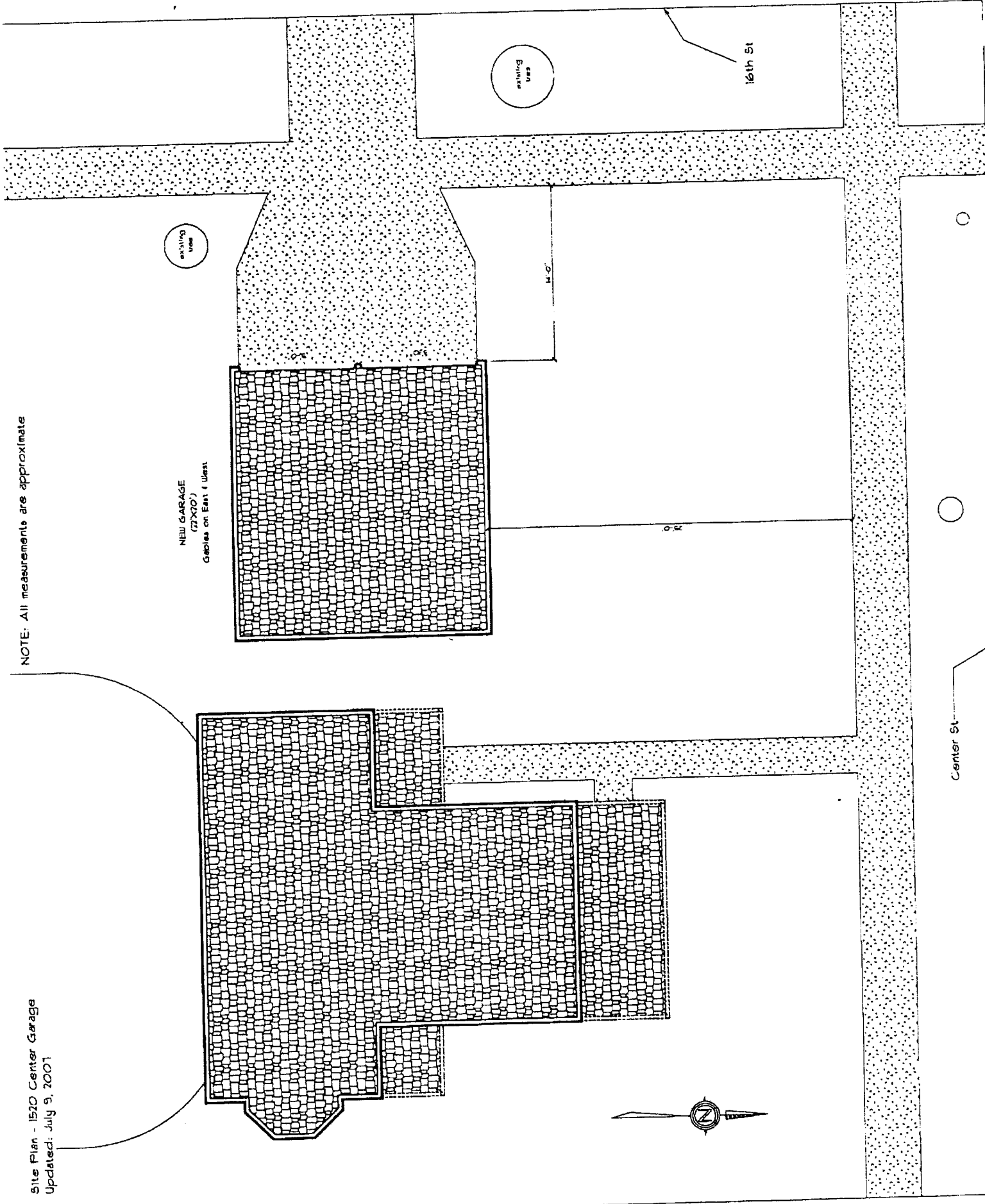
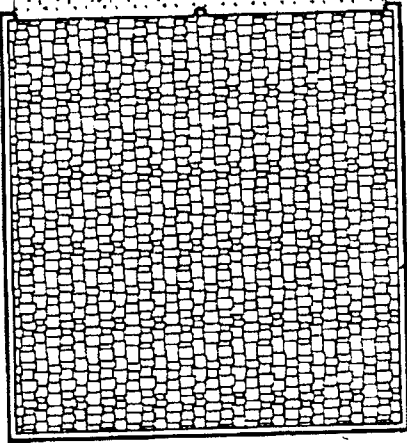
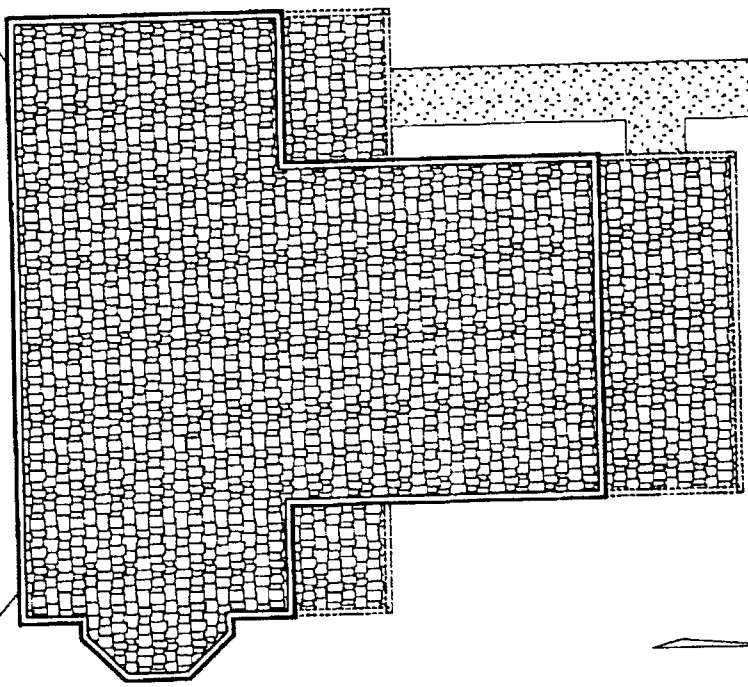
EXISTING  
USE

NEW GARAGE  
(27'x20')  
Gabriola on East + West

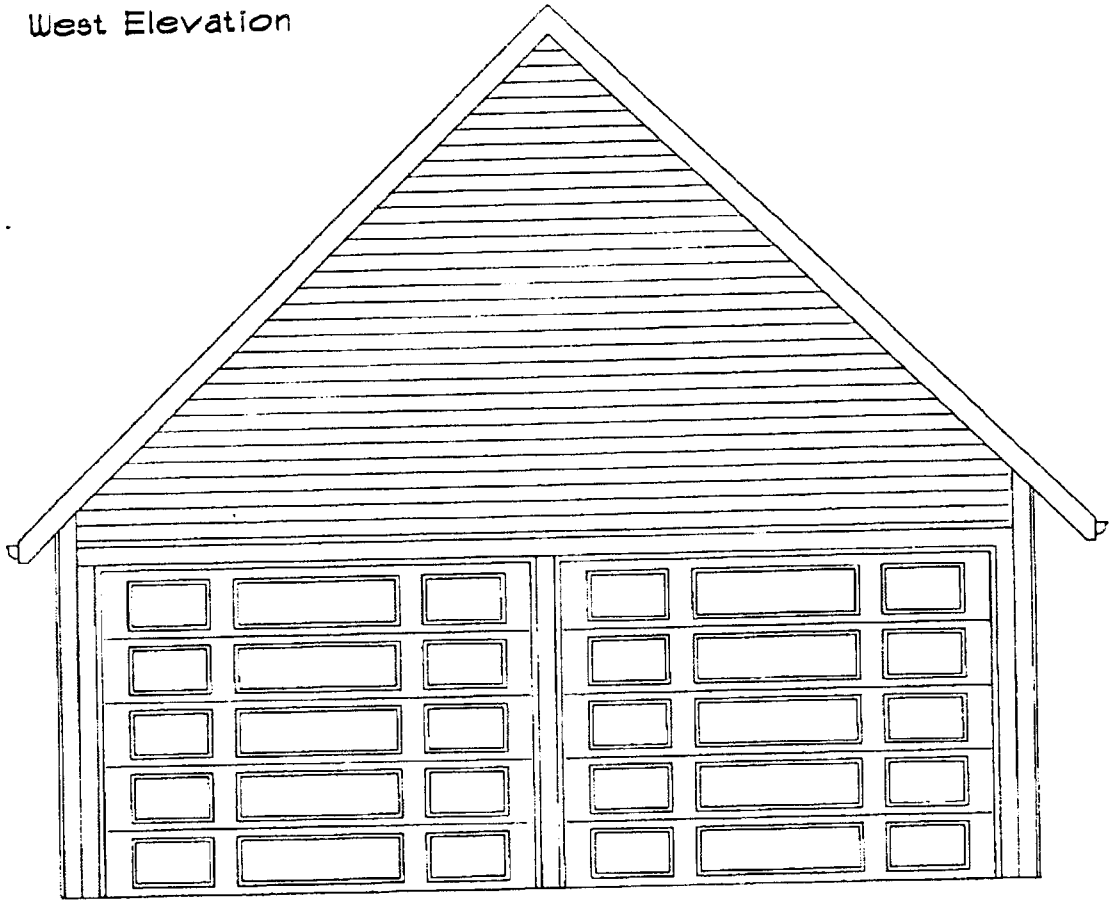
EXISTING  
USE

16th St

Center St



West Elevation

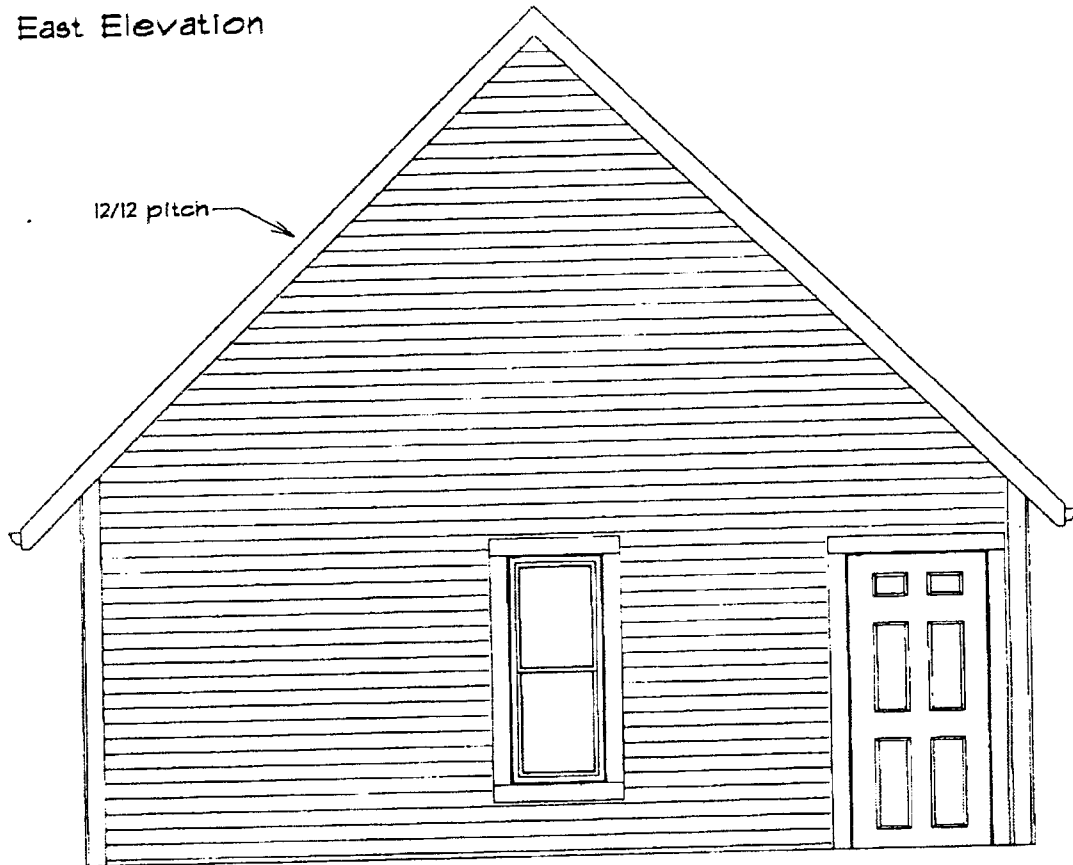


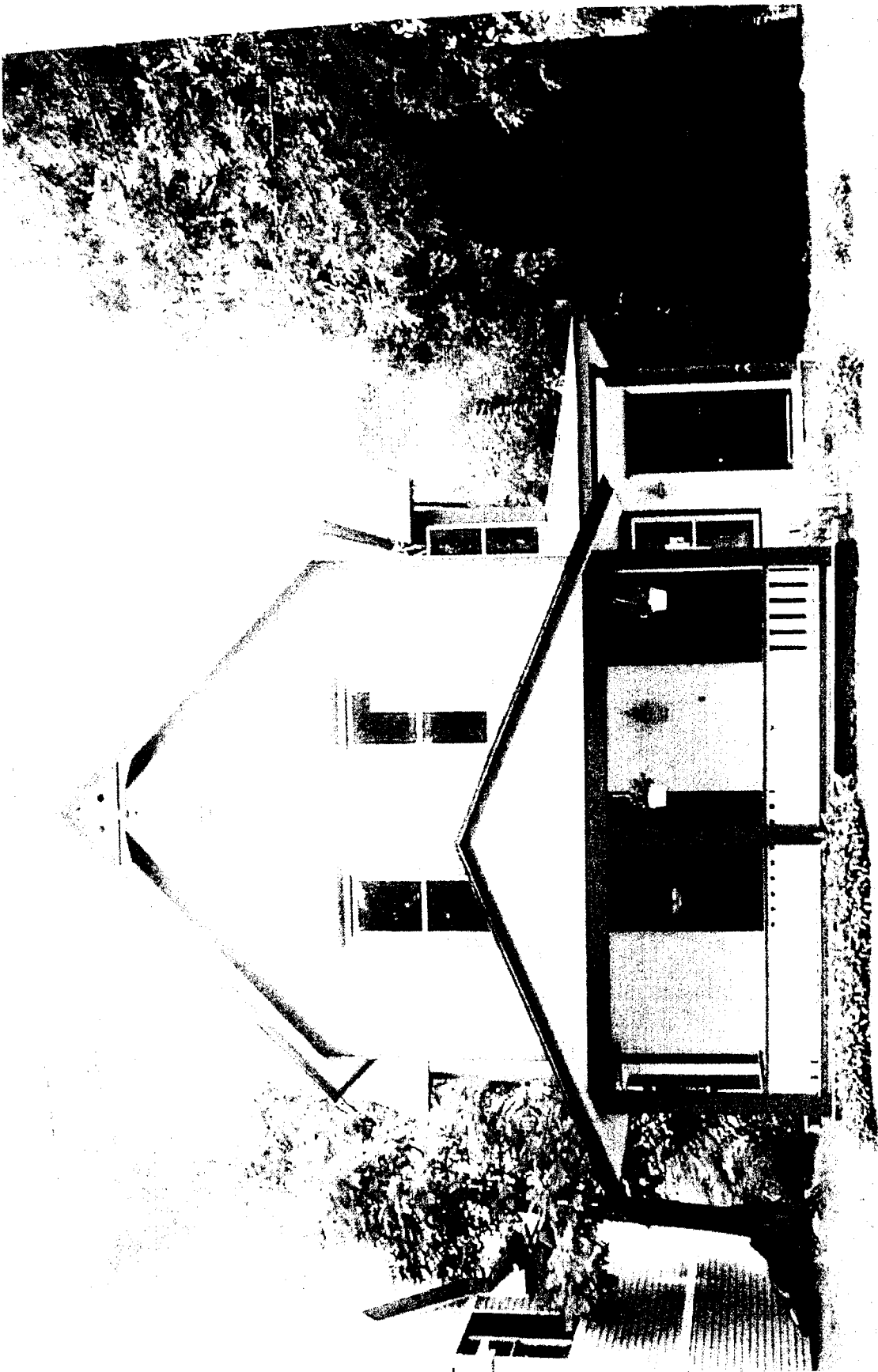
North & South Elevation

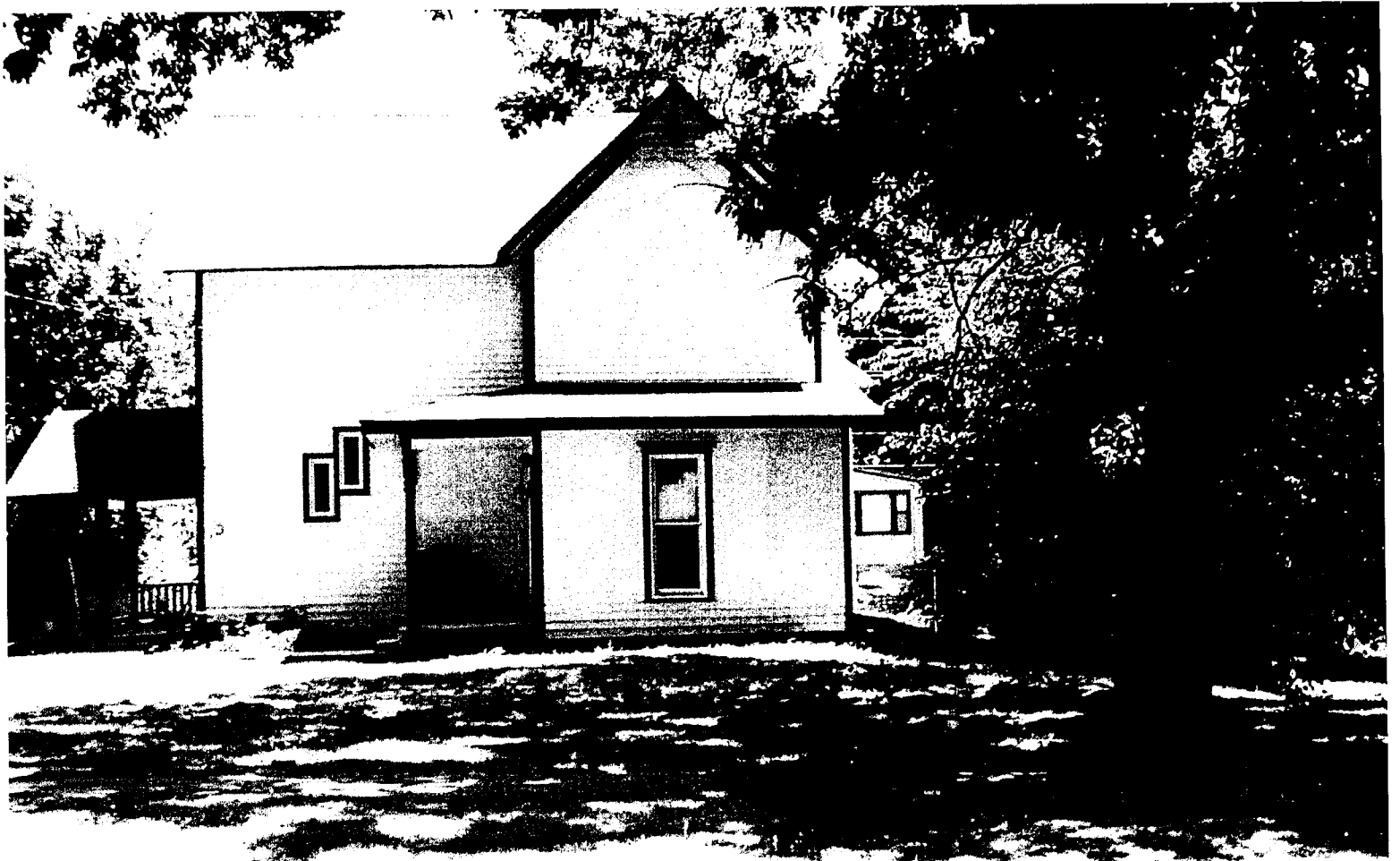




East Elevation









CITY OF DES MOINES  
HISTORIC PRESERVATION COMMISSION  
MEETING SUMMARY

DATE: July 18, 2007  
TIME: 5:30 P.M.  
PLACE: City Council Chambers  
City Hall, 400 Robert D. Ray Drive

COMMISSIONERS PRESENT: Mary Reavely (Vice Chair), Shirley Shaw, York Taenzer, Scotney Fenton, and Teresa Schneider.

COMMISSIONERS ABSENT: Susan Holderness (Chair) and Sinda Berry.

STAFF PRESENT: Jason Van Essen, Senior City Planner

#### **SUMMARY OF AGENDA ITEM #4**

Request from Trafalgar Holdings LC (owner) represented by Mark Jesse (officer) for the construction of a 2-car garage at 1520 Center Street in the Sherman Historic District. (20-2008-5.04)

Vice Chair Mary Reavely read the description of the item from the agenda.

Jason Van Essen, Senior City Planner, provided background information orienting the Commission to the subject property. He then presented the staff report and recommendation.

Vice Chair Reavely stated the driveway appears to be extremely wide.

Mr. Van Essen stated it fans out to about 20' to meet the width of the garage.

Vice Chair Reavely reiterated that a good portion of the driveway seems to be wider than necessary.

Mr. Van Essen stated the wide appearance of driveway is partially due to the short distance between the property line and the garage.

Vice Chair Reavely expressed her belief that there was enough room to narrow the driveway.

Mr. Van Essen asked if she was stating that the taper could be pushed back.

Vice Chair Reavely stated yes and that she believed the extra width was only necessary to accommodate parking for extra vehicles and not for maneuvering in and out of the garage.

Vice Chair Reavely asked the applicant to come forward.

Glen Jesse introduced himself and stated he co-owns the property with his son Mark Jesse. He stated the driveway was design to allow for enough room for the front of a car to be able to swing into the garage. He further stated that if the driveway were much narrower there would not be enough

room for a car to square up before it pulls into the garage. The garage is 20'-wide, which is extremely narrow for two cars to be side by side when entering through two 9'-wide doors. This arrangement does not allow for much maneuvering room inside the garage.

Vice Chair Reavely stated her garage and driveway are similar and that she has been able to make a narrower driveway work. She further stated that the extra width only seems necessary to accommodate two parked cars in the driveway.

Mr. Jesse stated there is not enough room to park a car outside of the garage and that the driveway is purely designed to allow a vehicle to pull into the garage.

York Taenzer asked if the applicant had any concern with putting a double-hung window in the front gable.

Mr. Jesse stated they were considering installing a decorative trim element in the gable similar to a decorative element in the front gable of the house and thought this would be a better detail than a window.

Vice Chair Reavely questioned the appropriateness of mimicking the detail and if it would comply with the design guidelines.

Mr. Jesse stated they were willing to install a window if that was the Commission's preference.

Vice Chair Reavely asked what material would be used to construct the driveway.

Mr. Jesse stated they were considering either concrete, cobblestone or stamped concrete.

Vice Chair Reavely stated she believes something other than plain concrete should be used since it would be facing a main street.

Mr. Jesse stated they were concerned with the appearance of the garage and driveway since the Wallace House is across the street. He further stated they did not want to construct the garage facing the Wallace House towards the west. Instead, they wanted to orient it to the north, which would have solved the driveway problems and many other issues. He felt it was unfortunate that the City Forester indicated they could not build a driveway to the north after their contractor had laid out the driveway and garage pad. He stated the circumstances have led them to be before the Commission a second time with what he considers an inferior design.

Shirley Shaw asked the applicant if he would like to come back to the Commission after he had time to consider their comments.

Mr. Jesse replied no and stated they would like permission to move forward.

Mr. Taenzer stated the Commission could approve the structure on the condition that staff would need to approve revisions to the driveway design or the Commission could approve the structure on the condition that the applicant come back for approval of the driveway design. Both of these options would allow the applicant to start construction of the garage.

Vice Chair Reavely asked if there was anyone in the audience that wished to speak.

Tom Chase introduced himself and indicated he lives at 731 16<sup>th</sup> Street. He stated he understands the unique nature of the layout and the history behind it. But does not understand how the Commission could consider installing a driveway across the street from the Wallace House when the guidelines say that curb cuts are not appropriate. He also questioned if the garage needs to be wide enough for 2-cars and suggested a 1-car garage might be more appropriate.

Vice Chair Reavely stated there seems to be an attitude these days by many that garages are a necessity.

Mr. Chase stated he was glad to see the improvements the applicant has made to the house and understands that a garage would make it more marketable but questioned if it would be in compliance with the design guidelines.

Vice Chair Reavely stated the guidelines say curb cuts should not be created where the alley pattern exists except where there is no other acceptable alternative and in this case the property has no access to an alley.

Mr. Jesse stated that at one time the property had a curb cut on Center Street to the east of the house but that there was not enough space for it to be a functional driveway. He further stated that when the City replaced the curbs along Center Street they asked that the curb cut not be reinstalled because it was of no utility and that they wanted to replace it with a functional option.

Hal Davis introduced himself and indicated he lives at 1605 Woodland Avenue. He expressed appreciation for the work the applicant has done to the house. He stated the 16<sup>th</sup> Street and Center Street intersection is one of the more visible corners in the neighborhood and that the proposed garage would have a detrimental impact on the corner and the neighborhood, which would devalue surrounding properties. He expressed his belief that the garage should not be built and that the issue should be saved for whoever purchases the property since it is for sale.

Mr. Jesse stated he believes that in the City of Des Moines you have a right to a garage.

Vice Chair Reavely stated she was not aware of a provision in the City Code and asked if the Commission have any further questions or a motion to consider.

Elaine Estes stated the Commission approved a garage previously and what the Commission is doing now is trying to work with the relocation of it because the previous orientation is not possible. She further stated the Commission was following the guidelines to the extent possible.

Ms. Estes made a motion to approve the staff recommendation with the added conditions that the driveway material and width being reviewed and approved by staff, and that a double hung window be installed in the front gable.

Mr. Fenton seconded the motion.

#### ACTION OF THE COMMISSION:

Granting the application as presented subject to the conditions listed below 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. The property owner must obtain permits and the completed work must comply with construction codes.

CONDITIONS:

- The garage is constructed in accordance with the submitted site sketch and elevations, with materials, including horizontal lap siding, trim, and shingles, which match the primary dwelling.
- Provision of small double-hung window in the front (west) gable.
- Reduction of driveway width as reviewed and approved by staff.
- Provision of a patterned driveway paving material as review and approved by staff.
- Compliance with all applicable Building Codes with issuance of all necessary permits by the Permit and Development Center for any light poles installed.

VOTE: A vote of 4-2-0 was registered as follows:

|            | Aye | Nay | Abstain | Absent |
|------------|-----|-----|---------|--------|
| Holderness |     |     |         | X      |
| Reavely    | X   |     |         |        |
| Berry      |     |     |         | X      |
| Estes      | X   |     |         |        |
| Fenton     | X   |     |         |        |
| Schneider  | X   |     |         |        |
| Shaw       |     | X   |         |        |
| Taenzer    |     | X   |         |        |



HISTORIC PRESERVATION COMMISSION  
CITY OF DES MOINES

In the Following Matter

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REQUEST FROM: : CASE NUMBER: **20-2008-5.04**  
: :  
TRAFALGAR HOLDINGS LC : :  
: :  
PROPERTY LOCATION: : MEETING DATE: **JULY 18, 2007**  
: :  
**1520 CENTER STREET** : :

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SUBJECT OF THE REQUEST:

Construction of a 2-car garage.

FINDING OF THE HISTORIC PRESERVATION COMMISSION

Granting the application as presented subject to the following conditions 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. **The property owner must obtain permits and the completed work must comply with construction codes.**

CONDITIONS:

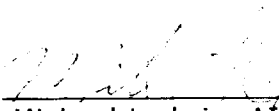
- The garage is constructed in accordance with the submitted site sketch and elevations, with materials, including horizontal lap siding, trim, and shingles, which match the primary dwelling.
- Provision of small double-hung window in the front (west) gable.
- Reduction of driveway width as reviewed and approved by staff. \*
- Provision of a patterned driveway paving material as review and approved by staff. \*
- Compliance with all applicable Building Codes with issuance of all necessary permits by the Permit and Development Center for any light poles installed.


\* **Note:** *No permits can be issued until a revised site sketch has been approved by staff in accordance with these conditions.*

VOTE: A vote of 4-2-0 was registered as follows:

|            | Aye | Nay | Abstain | Absent |
|------------|-----|-----|---------|--------|
| Holderness |     |     |         | X      |
| Estes      | X   |     |         |        |
| Reavely    | X   |     |         |        |
| Shaw       |     | X   |         |        |
| Berry      |     |     |         | X      |
| Fenton     | X   |     |         |        |
| Schneider  | X   |     |         |        |
| Taenzer    |     | X   |         |        |

Approved as to form:

  
\_\_\_\_\_  
Michael Ludwig, AICP  
Planning Administrator

  
\_\_\_\_\_  
Larry Hulse, AICP  
Community Development Director