

Date..... December 18, 2006

WHEREAS, on November 15, 2006, the Historic Preservation Commission conditionally approved an application from Edward C. Muelhaupt III for a Certificate of Appropriateness for the construction of a fence on his property at 649 18th Street; and,

WHEREAS, the Commission's approval of the Certificate of Appropriateness is subject to a limitations on the height and design of the fence; and,

WHEREAS, Edward C. Muelhaupt III has appealed the Commission's 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 Edward C. Muelhaupt III is hereby down set for a public hearing before the City Council on January 8, 2007, at 5:00 p.m., in the Council Chambers, City Hall, Des Moines, Iowa.
2. The City Clerk is hereby authorized and directed to publish notice of said hearing in the form hereto attached all in accordance with §362.3 of the Iowa Code.

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

FORM APPROVED:

  
 Roger K. Brown

Assistant City Attorney  
 C:\Rog\Historic\Appeals\Muelhaupt\RC - Set Hearing.doc

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
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

December 4, 2006

Mayor and City Council Members, City of Des Moines  
400 Robert D Ray Drive  
Des Moines, IA 50309

Dear Mr. Mayor and City Council Members,

I am writing to appeal a decision made on November 15, 2006 by the Historic Preservation Commission on Certificate of Appropriateness Case Number 20-2007-5.03 for a privacy fence at 649 18<sup>th</sup> Street.

I am appealing the following elements of the Historic Preservation Commission's decision:

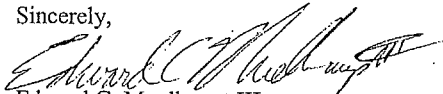
- Size of gaps
- Design of top
- Height in rear yard
- Exposure of posts
- Paint or stain required

The Historic Preservation Commission approved a motion that modified my proposed design for a privacy fence, although my proposal is aligned with the Des Moines ordinance for fences. My proposal for the design of the privacy fence is also consistent with existing fences in Sherman Hill with regard to all of the elements listed above. There are fences in Sherman Hill that have gaps smaller than 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. The special situation with an abnormally high volume and frequency of noise pollution coming from the Beacon of Life to the south of 649 18<sup>th</sup> Street is the primary reason the fence needs to be 8' in the rear yard. It is cost prohibitive to custom cut the tops of the fence boards as it would approximately triple the cost of the fence.

A copy of my proposed design for a privacy fence on the south side of 649 18<sup>th</sup> Street is attached.

Thank you for your consideration.

Sincerely,

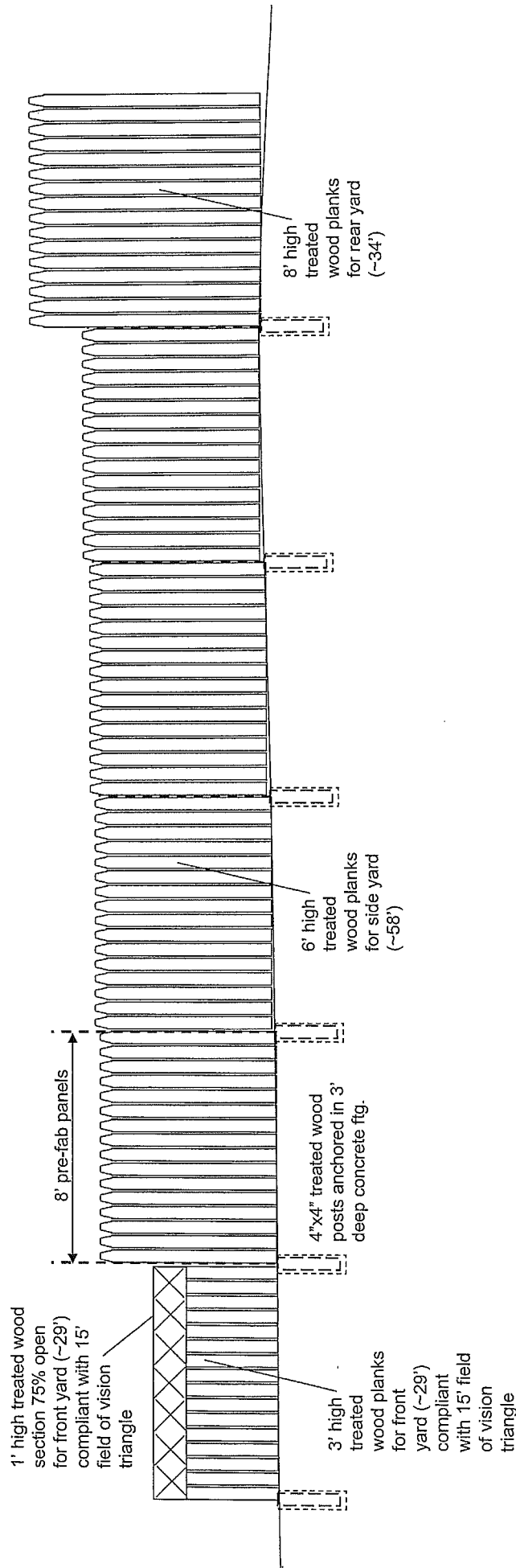
  
Edward C. Muelhaupt III  
649 18<sup>th</sup> Street

[ecm@DMColdStorage.com](mailto:ecm@DMColdStorage.com)  
515-283-8050

FILED  
2006 DEC - 5 PM 1: 58  
CITY CLERK  
DES MOINES, IOWA

**FENCE DIAGRAM FOR 649 18<sup>TH</sup> STREET**

9-20-06



**FENCE ELEVATION**  
1/4" = 1'0"

- Pickets facing out on both sides with connecting 2"x4"x8' in between
- Step along grade
- Planks ~5 1/2" wide by ~1/2" thick
- May have caps similar to spindles on porch
- If stained or painted, it will be consistent for all sections of fence.