

.....  
**Date** June 11, 2012.....

**RESOLUTION AFFIRMING THE DECISION OF THE HISTORIC PRESERVATION  
COMMISSION TO CONDITIONALLY APPROVE A CERTIFICATE OF  
APPROPRIATENESS FOR THE CONSTRUCTION OF A DECK AT  
1957 ARLINGTON AVENUE**

WHEREAS, on April 18, 2012, the Historic Preservation Commission conditionally approved an application from Donald Crouch for a Certificate of Appropriateness to construct a deck along the northwest corner of his residence at 1957 Arlington Avenue, subject to the following conditions:

1. The balustrade (*deck railing*) shall be constructed of wood or a composite wood material.
2. Compliance with the building code and obtainment of all necessary permits for construction.

WHEREAS, Donald Crouch has appealed the Commission's decision to the City Council pursuant to §58-31(f) of the Des Moines Municipal Code, and seeks permission to use a vinyl material for the deck railing.

WHEREAS, on May 21, 2012, by Roll Call No. 12-0778, it was duly resolved by the City Council that the appeal be set down for hearing on June 11, 2012, at 5:00 p.m., in the Council Chambers; and,

WHEREAS, due notice of the hearing was published in the Des Moines Register on May 24, 2012, and a copy of the notice was provided to Donald Crouch; 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 approving a Certificate of Appropriateness for the construction of a deck at 1957 Arlington Avenue subject to compliance with the conditions identified above, is not arbitrary or capricious and should be upheld.

( continued )


Date June 11, 2012

3. The City Council hereby finds that the decision of the Historic Preservation Commission to require the modification of the deck railing to be constructed of wood or a composite wood material was not patently arbitrary or capricious for the following reasons:
- a) The *Architectural Guidelines for Building Rehabilitation in Des Moines' Historic Districts* state that "new decks.....should have no major impact on the original building and its character, and be designed with appropriate balustrade and compatible materials."
  - b) Wood is a historic material type that is typical to the River Bend Local Historic District. The Commission found that composite wood would be a compatible material as it has similar visual and durability qualities as wood.
  - c) The conditions imposed by the Historic Preservation Commission are consistent with the *Architectural Guidelines for Building Rehabilitation in Des Moines' Historic Districts* and gave Mr. Couch reasonable options in constructing his deck.

( Council Communication No. 12- 281 )

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

FORM APPROVED:

  
 Roger K. Brown  
 Assistant City Attorney

C:\Rog\Historic\Appeals\Tully\RC Hrg Affirm.doc

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

**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.

MOTION CARRIED

APPROVED

\_\_\_\_\_ Mayor

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

50A

HISTORIC PRESERVATION COMMISSION  
CITY OF DES MOINES  
**CERTIFICATE OF APPROPRIATENESS**  
In the Following Matter

This Certificate of Appropriateness is valid for one year from the meeting date

REQUEST FROM:	:	CASE NUMBER: 20-2012-9.01
	:	
<b>DONALD CROUCH</b>	:	
	:	
PROPERTY LOCATION:	:	MEETING DATE: APRIL 18, 2012
	:	
<b>1957 ARLINGTON AVENUE</b>	:	

This Decision of the Historic Preservation Commission does not constitute approval of any construction. All necessary permits/must be obtained before any construction is commenced upon the Property. A Certificate of Occupancy must be obtained before any structure is occupied or re-occupied after a change of use.

**SUBJECT OF THE REQUEST:**

Construction of a deck along the northwest corner of the house.

**FINDING OF THE HISTORIC PRESERVATION COMMISSION:**

Granting the application as presented subject to the condition 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.

**CONDITIONS:**

1. The balustrade shall be constructed of wood or a composite wood material.
2. Compliance with the building code and obtainment of all necessary permits for construction.

VOTE: A vote of 6-0-1 was registered as follows:

	Aye	Nay	Abstain	Absent
Barry	X			
Bye				X
Griffin	X			
Holderness	X			
Estes	X			
Fenton				X
Marchand			X	
Shaw				X
Sweet	X			
Taenzer	X			
Weidmaier				X

Approved as to form:

  
Michael Ludwig, AICP  
Planning Administrator

  
Phil DeLafield  
Community Development Director

Date Filed: 4/30/12      Filed By: JV

**CITY OF DES MOINES HISTORIC PRESERVATION COMMISSION**  
**STAFF REPORT AND RECOMMENDATION**  
Wednesday, April 18, 2012

**AGENDA ITEMS #1**

**20-2012-9.01**

**Applicant:** Donald Crouch (owner).

**Location:** 1957 Arlington Avenue (River Bend Historic District).

**Requested Action:** Construction of a deck along the northwest corner of the house.

## **I. GENERAL INFORMATION**

1. **Site Description:** The subject property generally measures 125 feet by 205 feet and contains a 2½-story house built circa 1896. It is bound by Arlington Avenue to the south and the Des Moines River to the north.
2. **Sanborn Map:** Not available.
3. **COA History:** None.

## **II. APPLICABLE DESIGN GUIDELINES**

### **1. Architectural Guidelines for Building Rehabilitation (rear deck):**

- a. **New decks, exit balconies and other non-original outdoor areas on either first level or above should be located at the back or side, be minimally visible from the street, should have no major impact on the original building and its character, and be designed with appropriate balustrade and compatible materials.**

*The applicant is proposing to construct a 304-square foot deck to the north and west of the house. The western portion of the deck would measure 12 feet by 20 feet and the north portion of the deck would measure 8 feet by 8 feet. The design includes a 36-inch tall vinyl balustrade around the perimeter of the deck with steps on the south and east sides. The deck would also be accessible from the kitchen through a door on the west façade of the house. The deck would be constructed of treated lumber. The proposed balustrade design is appropriate. However, staff believes that vinyl material is not compatible with historic materials typical to the district. Staff recommends approval be subject to the balustrade being constructed of wood.*

## **III. STAFF RECOMMENDATION**

**Staff recommends approval of the request subject to the following conditions.**

1. The balustrade shall be constructed of wood.
2. Compliance with the building code and obtainment of all necessary permits for construction.



50A

# Zoning Map



**Disclaimer**

It is understood that while the City of Des Moines' Geographical Information Systems Division has no indication and reason to believe that there are inaccuracies in information incorporated in the base map, the GIS personnel make no warranty or representation, either expressed or implied, with respect to the information, or data displayed.

Note: Public property represented on this map is not intended to be inclusive.

For information about Zoning data, please contact the City of Des Moines' Community Development Department.



50A

