



Roll Call Number

Agenda Item Number

29

Date May 9, 2016

RESOLUTION SETTING DATE OF PUBLIC HEARING ON APPEAL FROM DECISION OF THE HISTORIC PRESERVATION COMMISSION.

WHEREAS, on April 27, 2016, John Wise and Jeremy Collins filed an appeal April 14, 2016 decision of the Historic Preservation Commission denying in part, granting a revised application in part and granting subject to conditions in part an application for certificate of appropriateness.

WHEREAS, Des Moines Municipal Code section 58-31(f) provides that upon filing an appeal from the Historic Preservation Commission, the Council shall set a time and place for a public hearing upon the appeal.

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

- 1. That the City Council consider the appeal at a public hearing to be held on May 23, 2016, at 5:00 p.m., in the Council Chambers.
2. That the City Clerk publish notice of the public hearing in the form attached as required by Iowa Code section 362.3.

APPROVED AS TO FORM:

Moved by _____ to adopt.

Thomas G. Fisher Jr.
Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MOORE, WESTERGAARD, and 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

TO JASON 4-27-16

29



April 14, 2016

John Wise
1805 Oakland Avenue
Des Moines, IA 50314

RE: 1805 Oakland Avenue – COA 20-2016-9.26

Dear Mr. Wise:

A copy of Certificate of Appropriateness #20-2016-9.26 is attached. Please note that the vinyl window that was installed must be removed and replaced with a window that complies with the conditions listed on the Certificate. In cases where work is necessary to abate a violation, the work must be completed in 90 days unless a mutually agreeable timeline is reached between the property owner and City staff. The remaining work can be performed on a schedule of your choosing so long as the Certificate has not expired.

If you believe that the Commission's action was arbitrary or capricious, you may appeal their decision to the City Council. Appeals must be in writing and filed with the City Clerk no later than ten business days after the filing of the above-mentioned decision. Your Certificate was filed on April 14, 2016. An appeal must be submitted no later than April 28, 2016.

If no appeal is received, you will have until July 13, 2016 (90 days) to remove the vinyl window and install a window that complies with the conditions listed on the Certificate. The approved fence project can be implemented on a schedule of your choosing so long as your Certificate has not expired.

Please contact me at 515-283-4147 or at jmvanessen@dmgov.org if you have any questions or would like to discuss an alternative timeline.

Sincerely,

Jason Van Essen, AICP
Senior City Planner

FILED
2016 APR 27 PM 1:34
CITY CLERK
DES MOINES, IA

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: **20-2016-9.26**
: :
JOHN WISE AND JEREMY COLLINS : :
: :
PROPERTY LOCATION: : MEETING DATE: **MARCH 16, 2016**
: :
1805 OAKLAND AVENUE : :

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:

- A) Replacement of the picture window on the main level of the front façade of the house with a vinyl picture window product.
- B) Replacement of a wire fence with a taller fence of the same design in the rear yard.

DECISION 1 – Part A

FINDING OF THE HISTORIC PRESERVATION COMMISSION:

Denial of the request as proposed as it would not 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.

Granting a revised application subject to 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.

CONDITIONS:

1. The replacement window shall be constructed of wood with no metal cladding.
2. The replacement window shall have the same general shape and dimensions as the existing historic windows.
3. Review and approval of the selected window product by staff prior to installation.

VOTE: A vote of 7-0-0 was registered as follows:

	Aye	Nay	Abstain	Absent
Barry	X			
Bye	X			
Griffin				X
Green	X			
Holderness				X
Estes	X			
Fenton	X			
Marchand				X
McCoy	X			
Taenzer	X			
Todd				X
Weidmaier				X

DECISION 2 – Part B

FINDING OF THE HISTORIC PRESERVATION COMMISSION:

Granting the application as presented subject to 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.

CONDITIONS:


1. The fence shall be no taller than 5 feet.
2. Review and approval of the selected fence and post product/design prior to installation by staff.
3. The existing wire fence shall be reused or stored for reuse to the extent possible.

VOTE: A vote of 7-0-0 was registered as follows:

	Aye	Nay	Abstain	Absent
Barry	X			
Bye	X			
Griffin				X
Green	X			
Holderness				X
Estes	X			
Fenton	X			
Marchand				X
McCoy	X			
Taenzer	X			
Todd				X
Weidmaier				X

Approved as to form:


Michael Ludwig, AICP
Planning Administrator


Phil Delafield
Community Development Director

Date Filed: 4/14/16

Filed By: JW

Dear Council Members,

The following is a letter of appeal to the historic decision on my COA #20-2016-9.26 regarding me repairing/replacement of my front picture window. Yes the window is a vinyl window but this house has had vinyl windows before this area was a historic neighborhood, I replaced the window with a direct replacement, no thing about the new window is different from the broken window.

When I moved into this house, yes it was known to me that the area was a historic area but nothing was communicated to me that they are special rules and procedures that had to be followed in order to things. Almost 95% of the windows in my house are vinyl windows that were put in prior to the area becoming a historical neighborhood.

The neighborhood association keeps its meetings secret as to when and where they are being held, No one in this neighborhood knows who is on the association let alone who is on it. The association does nothing for the neighborhood and the historic commission also does nothing for the neighborhood, drugs are rampant, cars doing in excess of 60mph going down the street. I would also like the council and or the historic commission to explain as to why only certain houses are included or not included in the historic boundaries. It appears that the more money you have in the neighborhood the more things you are allowed to do or get away with. I am a disabled veteran who fought for this country and this is how I get treated for just replacing a broken window. If there are going to be specific rules that need to be followed then those rules need to be handed out to everyone in the neighborhood. My neighbors who just moved here from Arkansas had no idea about the historic commission let alone the neighborhood association. Why are these things kept secret?

I appeal to the council that the window that was put in is allowed to stay it does not change the appearance of the home from what it looked like prior to me replacing the window. The window that was broken was a vinyl window that was put in place prior to the change to a historic area, the new window is a direct

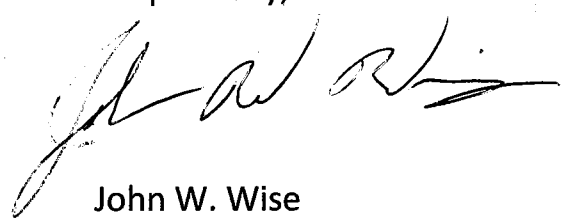
replacement and has no metal cladding and does not change the appearance of the home.

I have no issue with abiding by the historic commission's rules and guidelines now that I know what they are. I know that ignorance of the rules is not an excuse for violating the rules, but if a person does not or is not aware that specific rules or guidelines exist then that person should not be penalized for breaking such rule.

So in closing I am asking for the council to grant my appeal and allow the window to stay it is a direct replacement nothing was changed.

Thank you for your time in handling this matter.

Respectfully,



John W. Wise

1805 Oakland Ave

Des Moines, IA 50314

515 777 0713