



Roll Call Number

Agenda Item Number

24

Date May 20, 2019

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

WHEREAS, on April 17, 2019, the Historic Preservation Commission issued a conditional Certificate of Appropriateness to Jonathan Fudge for 821 16th Street; and,

WHEREAS, the homeowner filed a timely appeal from the decision of the Historic Preservation Commission placing conditions on the Certificate of Appropriateness; and,

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 June 3, 2019, 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.

FORM APPROVED:

Moved by \_\_\_\_\_ to adopt.

Handwritten signature of Thomas G. Fisher Jr.

Thomas G. Fisher Jr. Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COUNCIL MEMBER NAMES and a TOTAL row.

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

**DATE: April 25, 2019**

**TO: Honorable Members of the Des Moines City Council**

**FROM: Jonathan Fudge; 821 16th Street, Des Moines 50314**

**RE: Appeal of Historic Commission Ruling of April 17, 2019**

### **Summary**

I purchased the historic home at 821 16th Street in April 2018. My experience during summer 2018 convinced me the property had serious, damaging drainage problems. I made efforts to ameliorate the problem without a major investment. Nothing worked: anything more than a light-to-moderate rain led to more rainfall cascading over the gutters, resulting in continuing water damage to the home's historic rafter tails and west porch, and to the foundation.

Prepared to make a major investment to prevent further damage, I hired a contractor in December 2018 to inspect the existing system and recommend a replacement if necessary. I didn't give it a second thought when the contractor told me permits would not be needed for work to proceed on his recommended K-type gutter system, as my own observation of 16th Street between Crocker and Woodland showed nearly all homes have K-type gutters.

We were out of town during installation; somewhat ironically, we were on a week-long trip touring and photographing historic Barber homes in north central Iowa. On return, I was stunned to find a warning notice to halt all work or risk daily \$1,000 fines and jail time. I immediately contacted Jason Van Essen who instructed me to submit a COA application.

I apologize for being unaware of the need for a COA prior to installation. The need to do so never occurred to me because nearly all the homes on 16th Street between Crocker and Woodland already have K-type gutters. Therefore, I am appealing to you to reverse the Historic Preservation Commission ruling of April 17 for the following reasons:

1. To a casual observer and all passers-by, changes to the home's historic appearance are unnoticeable.
2. My installation of a K-type gutter system is consistent with the vast majority of nearby historic homes.
3. Compared to homes in the Sherman Hills Historic District which have been modified by non-historic room additions, attached neon lights, and satellite dishes, mine is an example of prudent private investment to maintain the City's housing stock without altering the appearance of an historic home.

Thank you for considering this appeal. Only if you are interested in reading further, following are more details about my attempts to preserve my home from water damage, experience with the Historic Preservation Commission, research on gutter systems, and observations about historic preservation in the City of Des Moines.

## My History in the Sherman Hills Historic District

During rains in 2018, I watched water cascading and pooling in several areas on and around my home. I made good-faith efforts to reduce the continuing damage. My first attempt was to dig trenches to channel water away from the home more quickly. My second attempt was to add a three-foot trench on the west side of house, with six-inch drainage tile and gravel, for the same purpose. My third attempt was to increase the volume of water that could be carried by the gutters by removing the "gutter foam" the previous owner had placed, and to increase the slope of the gutter on the west porch.

Only when these attempts failed did I hire a contractor. While acknowledging I am at fault for not filing the COA in advance of my investment, the need to do so did not occur to me because the historic home directly north of mine (constructed 1891) and moved to its current location at approximately the same time, has K type gutters with leaf protective covers.

More importantly, on my street, 16th, between Crocker and Woodland, 89% of the homes have K type gutters (1). What's more, the majority of gutter systems installed in homes on nearby streets are of the K type as well (2, 3). Below are just a couple photographs showing examples of neighboring homes with K type gutters installed since 2007. (849 16th Street, 829 16th Street)



I should note that during my initial discussion with Jason Van Essen I felt the determination of the Commission was predetermined as he said prior to knowing any details of this case, my previous attempts at remediation, or the fact that houses neighboring mine have K type gutters, "I don't want to be a 'Debbie Downer', but you're going to have to take those [gutters] down." Again, this was prior to the Commission hearing. (4)

## Gutter Systems

During a moderate rainfall on the afternoon of April 17th, there was no overflow and the historic porch and rafter tails remained 100% dry, as did the foundation. Having observed multiple similar rainfalls last year, I can safely say the previous gutter system would not have handled that rain. The long term benefit of having an effective roof drainage system to preserve the

integrity of my investment and the City's historic housing stock is all I wanted to accomplish. I have done so with no noticeable change in my historic home's appearance.

It is painfully obvious to me the vast majority of homes in Sherman Hills have K type gutters. Whether the K types were installed with permission of the Historic Preservation Commission, or simply without the Commissioners' knowledge, I don't know. What I do know is that markedly enhanced function with no noticeable change in appearance is the end result. There's a reason so many historic homes use K type gutters (5).

In fact, two members of the Historic Preservation Commission (Breann Bye and Michael Hildebrand) who ruled against my request, own homes in the River Bend Historic District. Their turn-of-the-century homes both have K-type gutters (6, 7).

### **Historic Preservation**

I fully support historic preservation and my interest in historic homes is the primary reason I moved to the Sherman Hills Historic District. What frustrates me is my investment amounts to an improvement in the City's historic housing stock without a noticeable change in appearance. The Historic Preservation Commission has ordered me to remove this improvement under penalty of fines and imprisonment -- yet within walking distance of my own home are historic homes with non-historic room additions, neon lights, and satellite dishes.

The most egregious example, presumably approved by the Historic Preservation Commission, is a large, dark rectangular structure attached to formerly-beautiful Victorian home at the corner of 16th and Woodland. Its neon lights on the corners are visible to Hoyt Sherman and beyond. The addition is ultra-modern and has zero resemblance to the house to which it is now attached.



An article in "dsm magazine" from April 20, 2016 was entitled "Sherman Hill Heritage". One of the featured houses is located at 697 18th Street.(8) The Queen Anne style home was built in 1892, and per the article "has been restored with a devotion to historical accuracy". This home has K type gutters as shown in the pictures below.



Built by a clothing manufacturer in 1892, this Queen Anne home has been restored with a devotion to historical accuracy. Photography: John Hagelstrom.



I find these and other inconsistencies (9) to be frustrating and, frankly, confusing to a homeowner whose only goal was to install a better-functioning gutter system and who did so without a noticeable change to his historic home's appearance.

## Footnotes

1. On 16th street between Crocker and Woodland I counted 28 homes. Of these, 25 have K type gutters, 1 has half round gutters, and 2 have no gutters. That means 3% have half round gutters, while 89% of my own neighbors have K type gutters.

2. On 17th street between Crocker and Woodland I counted 24 homes. Of these, 15 have K type gutters, 3 have half round gutters, and 6 have no gutters. That means 12% have half round gutters, and 62.5% have K type gutters. 25% have no gutters.

3. On 18th street between Crocker and Woodland I counted 29 homes. Of these, 20 have K type gutters, 3 have half round gutters, and 6 have no gutters: 69% have K type gutters, 10% have half round gutters, and 21% have no gutters.

4. Telephone conversation of April 10, 2019

5. Research shows that 5 inch half round gutters can only handle 1/2 of the roof area of 5 inch K type gutters, and 6 inch half round gutters can only handle 1/2 if the roof area of 6 inch K type gutters. The steep pitch of many roofs on historic homes further limits the runoff sufficiency of half round gutters. (Source: American Standard Gutter).

6. Commissioner Breann Bye, 523 Franklin

7. Commissioner Michael Hildebrand, 410 Franklin

8. <https://dsmmagazine.com/2016/04/20/sherman-hill-heritage/>

9. At the April 17 Historic Preservation Commission meeting, a homeowner requested permission to modify an historic home. (Coluzzi home, 650 17th Street). Pictures of the home's exterior were presented. Multiple modifications were proposed to his beautiful home. I noticed from the pictures that the home had K type gutters. There was no mention from a single Commissioner about the K type gutters.