



Roll Call Number

Agenda Item Number

21

Date August 19, 2019

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

WHEREAS, on July 17, 2019, the Historic Preservation Commission issued a conditional Certificate of Appropriateness to Mitch Coluzzi for 1308 9th Street; and,

WHEREAS, the homeowner filed a timely appeal from the decision of the Historic Preservation Commission denying a request to demolish a building; 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 September 9, 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

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.

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

MOTION CARRIED APPROVED

Mayor

City Clerk

CITY OF DES MOINES HISTORIC PRESERVATION COMMISSION  
STAFF REPORT AND RECOMMENDATION  
Wednesday, July 17, 2019

**AGENDA ITEM #4** **20-2019-9.15**

**Applicant:** Coluzzi Construction, LLC (owner) represented by Mitch Coluzzi.  
**Location:** 1308 9th Street (River Bend Local Historic District).  
**Requested Action:** Demolition of an accessory structure and fencing.

*Item 4 is continued from the June 19, 2019 meeting of the Commission. The following staff report is from the June meeting. Staff will provide an update at the July 17, 2019 meeting.*

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**I. GENERAL INFORMATION**

- 1. **Project Summary:** The applicant intends to demolish the garage and fence.
- 2. **Site Description:** The subject property is located on the west side of 9th Street north of Indiana Avenue. It consists of an original platted lot and half of the vacated alley on the northern portion of the lot that are oriented towards 18th Street. It is zoned "R1-60" One-Family Low-Density Residential District.  
  
The property contains a two-and-a-half story eight-unit multiple family dwelling converted from a single-family dwelling built circa 1880. There is an existing 20-foot by 28-foot detached garage built circa 1920 at the rear of the property adjoining the north/south alley. There is also a 6-foot tall fence in the rear yard consisting of a variety of materials including siding material and particle board.
- 3. **Sanborn Map:** The 1901 and 1920 maps show the existing (1308 9<sup>th</sup> Street) house and an accessory building along the west rear north/south alley.
- 4. **Relevant COA History:** None.

**II. DEMOLITION REVIEW CRITERA**

Section 58-31 of the City's Historical Preservation Ordinance provides a special process to be followed for the issuance of a Certificate of Appropriateness for the demolition of a building defined by the district's National Register nomination as either a pivotal or contributing structure.

*Sec. 58-31. Certificate of appropriateness required.*

- (d) *When an application involves the proposed demolition of a building which is defined by the district's National Register nomination to be either a pivotal or contributing structure, the commission shall not issue a certificate of appropriateness until the following conditions have been satisfied:*
- (1) *The city shall advertise that the owner will entertain offers from any person or governmental agency desiring to purchase such building and the lot upon which it stands, provided the prospective purchaser agrees to preserve and rehabilitate the building in accordance with the recommended procedures in the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.*
  - (2) *When it has been determined by the commission that such building must be moved to mitigate adverse impact, in lieu of the requirements of subsection (d)(1) of this section, the city shall advertise that the owner will entertain offers from any person or governmental agency desiring to purchase such building, provided the prospective purchaser agrees to cause such building to be moved by a professional mover in accordance with the recommended approaches in the Department of the Interior's "Moving Historic Buildings."*
  - (3) *The city shall publish such advertisement in a newspaper of general circulation within the city, in both a legal notice and a classified advertisement, once a month for three months for contributing structures and once a month for six months for pivotal structures.*
  - (4) *Upon the affirmative vote of a majority of the full membership of the commission, the advertising requirements of this subsection (d)(3) of this section may be waived when such waiver is determined to be in the public interest.*

*If the conditions of this subsection have been satisfied and no entity has purchased the building for the purpose of rehabilitating or moving it, the commission shall consider the demolition proposal at its next regularly scheduled meeting.*

The garage was identified as a contributing structure. Staff believes that removal of the garage is in the public interest based on its blighted condition. Staff recommends that the Commission waive the publication requirement per (d)(3) of this provision.

### **III. APPLICABLE DESIGN GUIDELINES**

The applicant is not proposing to construct a new outbuilding at this time. The following design guidelines will be applicable if a new garage is proposed in the future.

- a. *The Sanborn maps should be consulted to determine the historical placement of outbuildings before considering any new construction.*
- 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. *New outbuildings should be subordinate to the primary structure.*
- e. *The height should typically be 1 to 1½ stories with a 10' floor-to-ceiling height.*

- f. New outbuildings should be simple in design while incorporating traditional elements of scale, roof form, and material.*
- g. The roof form of an outbuilding should be similar to the roof form of the principal structure. The pitch of a gable roof should be no less than 6:12.*
- h. A new garage or outbuilding should relate well to the principal structure in material. Brick, narrow lap siding or bard and batten may be appropriate.*
- i. New outbuildings should use a window pattern that follows that of the primary structure. Codes limiting window openings within 3' of the lot line and/or within 6' of other outbuildings must be satisfied.*
- j. Overhead panel doors or upward-acting doors may be used in a new outbuilding. Two car garages should have two single doors rather than a double-wide door to avoid a strong horizontal orientation.*

### **III. STAFF RECOMMENDATION**

Staff recommends approval of the requested Certificate of Appropriateness subject to compliance with issuance of a demolition permit from the City's Permit and Development Center. Staff further recommends waiver of the publication requirement in 58-31 (d)(3).