

★ Roll Call Number

12.0919

Agenda Item Number

50A

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)

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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 Griess to adopt, and affirm the decision of the Historic Preservation Commission.

FORM APPROVED:

Roger K. Brown
Roger K. Brown
Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE		✓		
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	6	1		

MOTION CARRIED

APPROVED

T. M. Franklin
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.

Diane Rauh

City Clerk