

Date July 23, 2012

RESOLUTION ISSUING A CERTIFICATE OF APPROPRIATENESS FOR EXTERIOR ALTERATIONS TO THE CHARLES H. MARTIN HOUSE

WHEREAS, the City of Des Moines has received an application from Thomas Baldwin and Chris Conyers, owners of the property, for a Certificate of Appropriateness for alterations to the carriage house and construction of a monument sign at 3939 Grand Avenue (File No. 20-2012-4.01); and,

WHEREAS, the Charles H. Martin House has been designated as a local historic Landmark subject to Chapter 58, Article III of the City Code of the City of Des Moines, Iowa; and

WHEREAS, Section 58-62 of the City Code provides that, “[n]o owner or person in charge of a landmark or landmark site shall reconstruct, alter, or demolish all or any part of the exterior of such property or construct any improvement upon such designated property or cause or permit any such work to be performed upon such property until a certificate of appropriateness has been applied for and obtained for such work”; and,

WHEREAS, Section 58-62 of the City Code further provides that the decision to issue a Certificate of Appropriateness shall be based upon consideration of the following factors:

- (1) Design guidelines, standards and criteria developed by the historic preservation commission and approved by the city council, pursuant to subsection 58-30(e)(2) of the City Code.
- (2) Standards for rehabilitation promulgated by the Secretary of the Interior.
- (3) The comprehensive plan for the city and any adopted urban renewal plan for the area.
- (4) For an application respecting construction, reconstruction or exterior alteration other than on the principal improvement, the proposed work would adversely change, destroy or affect any exterior feature of the improvement upon which such work is being done, or, if it is new construction, it would lack harmony with the landmark site and whether the proposed work would be appropriate for and consistent with the purpose of this article.
- (5) For an application respecting new construction of principal improvements upon a landmark site, the proposed work would adversely affect the aesthetic quality of the site or lack harmony with the external appearance of other improvements on the site or upon neighboring sites.

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- (6) For an application respecting demolition of all or part of a landmark or an improvement within a landmark site, the condition of the landmark or improvement within a landmark site is determined to be dangerous to life, health or property, and such condition cannot be abated without demolishing such landmark or improvement within a landmark site or part thereof.

WHEREAS, on June 26, 2012, after notice and a public hearing, the members of the Landmark Review Board voted 11-0 in support of a motion to recommend approval of the application for a Certificate of Appropriateness subject to the applicant retaining and storing the removed carriage house window on the premise for future reference and potential reuse.

WHEREAS, on July 9, 2012, by Roll Call No. 12-1087, the City Council scheduled an informal public hearing on the application, to be held July 23, 2012, at 5:00 p.m., in the Council Chambers, and directed that notice of the hearing be given to the applicant and published in the Des Moines Register; and

WHEREAS, notice of the public hearing on the said application was published in the Des Moines Register on July 12, 2012; and,

WHEREAS, in accordance with said notice those interested in the proposal, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; NOW THEREFORE,

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

1. Upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the issuance of a Certificate of Appropriateness for the proposed exterior alterations to the Charles H. Martin House, at 3939 Grand Avenue, are hereby overruled, and the hearing is closed.
2. The City Council hereby finds that the proposed alterations to the carriage house and construction of a monument sign is consistent with and would further the purpose of the Landmark regulations, subject to the applicant retaining and storing the removed carriage house window on the premise for future reference and potential reuse.

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3. This resolution shall constitute the issuance of a Certificate of Appropriateness for the proposed exterior alterations to the property at 3939 Grand Avenue as more specifically described in the said Application, and such Certificate is subject to the condition identified in paragraph 2, above.

MOVED by Hensley to adopt.

FORM APPROVED:

(Council Communication No. 12-391)

Michael F. Kelley
 Michael F. Kelley
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

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.

T. M. Franklin
 T. M. Franklin
 Mayor

Diane Rauh
 Diane Rauh
 City Clerk