

★ **Roll Call Number**
..... 13-0345

Agenda Item Number
..... 39A

Date February 25, 2013

**RESOLUTION AFFIRMING THE DECISION OF THE HISTORIC
PRESERVATION COMMISSION TO CONDITIONALLY APPROVE A
CERTIFICATE OF APPROPRIATENESS FOR THE REPLACEMENT OF WINDOWS
AT 1224 9th STREET**

WHEREAS, on December 19, 2012, the Historic Preservation Commission conditionally approved an application from Carrie Bouma for a Certificate of Appropriateness to allow the replacement of all double-hung windows in the single-family dwelling at 1224 9th Street in the River Bend Historic District; and,

WHEREAS, the Commission's approval was conditioned on retaining a 2-lite over 2-lite first floor window on the north façade and the use of wood replacement windows that have the same general style, shape and dimensions as the existing windows and are not covered with metal cladding as reviewed and approved by staff; and,

WHEREAS, Carrie Bouma has appealed the Commission's decision to the City Council pursuant to §58-31(f) of the Des Moines Municipal Code, and seeks to be allowed to replace all double-hung windows with vinyl replacement windows; and

WHEREAS, on February 11, 2013, by Roll Call No. 12-0218, it was duly resolved by the City Council that the appeal be set down for hearing on February 25, 2013, at 5:00 p.m., in the Council Chambers; and,

WHEREAS, due notice of the hearing was published in the Des Moines Register on February 14, 2013, and a copy of the notice was provided to Carrie Bouma; 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 replacement of all double-hung windows

(continued)

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in the single-family dwelling at 1224 9th Street, subject to compliance with the conditions identified above, is not arbitrary or capricious and should be upheld.

3. The City Council hereby finds that the decision of the Historic Preservation Commission to require the replacement windows to satisfy the conditions identified above was not arbitrary or capricious for the following reasons:
- a) The River Bend Local Historic District was designated as such by Ordinance No. 15,075, which was published and became effective on February 3, 2012.
 - b) The 2-lite over 2-lite first floor window on the north facade to be retained is the only historic window of significance in the dwelling. The other windows are not architecturally significant and/or original to the house and it is reasonable to allow the replacement of those windows.
 - c) The requirement that the replacement windows be wood windows that have the same general style, shape and dimensions as the existing windows and are not covered with metal cladding is consistent with the approved Architectural Guidelines for Building Rehabilitation in Des Moines' Historic Districts, and with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Building.
 - d) The proposed vinyl windows have dimensions and visual properties that are noticeably different from the existing wood windows and the remaining original historic window.

(Council Communication No. 13- 099)

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	

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.

Y. M. Franklin
Mayor

Diane Rauh
City Clerk