



Roll Call Number

17-1514

Agenda Item Number

60A

Date August 28, 2017

RESOLUTION **AFFIRMING** THE DECISION OF THE HISTORIC PRESERVATION COMMISSION TO DENY AN APPLICATION FOR CERTIFICATE OF APPROPRIATENESS FOR PROPERTY AT 1805 OAKLAND AVENUE.

WHEREAS, on June 21, 2017, in Case Number 20-2017-9.19, the Historic Preservation Commission denied an application for a Certificate of Appropriateness from Clifford Post regarding property at 1815 Oakland Avenue in the River Bend Historical Neighborhood District; and,

WHEREAS, the owner of the affected property, has appealed the Commission's decision to the City Council pursuant to Section 58-31(f) of the Des Moines Municipal Code and seeks to retain a metal shed on this property; and,

WHEREAS, on August 14, 2017, by Roll Call No. 17-1366, it was duly resolved by the City Council that the appeal be set down for hearing on August 28, 2017 at 5:00 p.m. in Council Chambers; and,

WHEREAS, due notice of the hearing was published in the Des Moines Register on August 22, 2017 and due notice was mailed to the applicant and appellant; and,

WHEREAS, in accordance with the notice, those interested in the issuance of the Certificate of Appropriateness, both for and against, have been given an 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 from action of the Historic Preservation Commission, "the city council shall consider whether the commission has exercised its powers and followed the guidelines established by law and ordinance and whether the commission's action 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 commission has exercised its powers and followed the guidelines established by law and ordinance, following both the Architectural Guidelines for Building Rehabilitation in Des Moines' Historic Districts and the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.
3. The City Council hereby finds that the decision of the Historic Preservation Commission regarding the application for Certificate of Appropriateness for 1815 Oakland Avenue is not patently arbitrary or capricious and should be upheld for the following reasons:



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- (a) Before the installation of the metal shed, the River Bend Local Historic District was designated a historical district. The district was designated by Ordinance No. 15,075, which was published and became effective on February 3, 2012.
- (b) The shed was installed without benefit of consulting with city staff. Had city staff been consulted, the appellant would have been informed that a metal shed is not a structure that would qualify for a Certificate of Appropriateness.
- (c) The City's "Architectural Guidelines for New Construction in Des Moines' Historic Districts" prohibits the use of prefabricated metal outbuildings. In addition, the guidelines also state that new outbuildings should relate well to the principal structure in material; brick, narrow lap siding or board and batten siding may be appropriate; and Masonite and other artificial siding may be an acceptable substitute for clapboard if the wall is detailed in a manner similar to original siding.
- (d) The Commission was not arbitrary and capricious in finding that the prefabricated metal shed is both prohibited by the guidelines and does not relate well to the principal structure's material.

4. The City Council affirms the June 21, 2017 decision of the Historic Preservation Commission in Case Number 20-2017-9.19.

Moved by Gray to adopt, and affirm the decision of the Historic Preservation Commission; City staff will work with Mr. Post regarding the timeline to comply.

(Council Communication No. 17- 621)

APPROVED AS TO FORM:

Thomas G. Fisher Jr.
Thomas G. Fisher Jr.
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN		✓		
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD		✓		
TOTAL	5	2		

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