

Date June 19, 2006

(Alternate Resolution)

RESOLUTION REVERSING THE DECISION OF THE HISTORIC DISTRICT
COMMISSION AND GRANTING AN AMENDED CERTIFICATE OF
APPROPRIATENESS FOR EXTERIOR ALTERATIONS TO THE
APARTMENT BUILDING AT 729 - 17th STREET

WHEREAS, on April 19, 2006, the Historic Preservation Commission conditionally approved an application from OPM Partners, represented by Jim Shipley, for a Certificate of Appropriateness for exterior alterations to an apartment building at 729 - 17th Street, in the Sherman Hill Historic District; and,

WHEREAS, one of the exterior alterations proposed to be made by OPM Partners to the property was the use of metal window trim wrap, which alteration was denied by the Commission in its conditional approval; and,

WHEREAS, OPM Partners has appealed to the City Council pursuant to §58-31(f) of the Des Moines Municipal Code, appealing the condition of the Certificate of Appropriateness prohibiting the use of metal window trim wrap; and,

WHEREAS, on June 5, 2006, by Roll Call No. 06-1098, it was duly resolved by the City Council that the appeal be set down for hearing on June 19, 2006, at 5:00 p.m., in the Council Chambers; and,

WHEREAS, due notice of the hearing was published in the Des Moines Register on June 14, 2006; 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.

(continued)

Date June 19, 2006

2. The City Council hereby finds that the decision of the Historic Preservation Commission to deny the Certificate of Appropriateness was patently arbitrary or capricious for the following reasons:
 - a. The subject building at 729 - 17th Street is a "non-contributing structure" in the Sherman Hill Historic District. It is a 1960's era apartment building that does not contribute to the historic character of the District. The subject building will continue to appear as a non-contributing 1960's era apartment building regardless of whether the windows are wrapped with metal trim.
 - b. The use of metal window trim wrap on the windows of the subject building will not detrimentally impact the historic character of the Sherman Hill Historic District.

3. The decision of the Historic Preservation Commission to conditionally grant a Certificate of Appropriateness prohibiting the use of metal window trim wrap is hereby reversed. An amended Certificate of Appropriateness is hereby granted permitting the use of metal window trim wrap as proposed by the applicant on the subject property. All other terms and conditions of the Certificate of Appropriateness issued by the Commission shall remain unchanged.

(Council Communication No. 06- 355)

MOVED by _____ to adopt and reverse the decision of the Historic Preservation Commission prohibiting the use of metal window trim wrap.

FORM APPROVED:

Roger K. Brown

Roger K. Brown
Assistant City Attorney

C:\Rog\Historic\Appeals\HPC\RC Hrg.doc

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BROOKS				
COLEMAN				
HENSLEY				
MAHAFFEY				
KIERNAN				
VLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

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.

City Clerk

58B₃

APPLICATION FOR CERTIFICATE OF APPROPRIATENESS
CITY OF DES MOINES
HISTORIC PRESERVATION COMMISSION

(To be filled out by the applicant)

File Number 20- 2006-5.36

Address of the Property 729-17th Street

Legal Description of the Property Lot 15 & South 57' Lot 16 T.E Brauns Addition

Owner of the Property OPM PARTNERS

Owner's Phone Number: Home 244-1534 Work off 277-0000 ATN

Applicant's Name, Address and Phone Number (if different from owner)

Current use of the property APARTMENTS 18 UNITS

Approximate date structure was built 1967

Note the year any major alterations was completed and indicate source of data

OPM Partners
by [Signature]
Applicant's Signature

3/28/06
Date

To be filled out by staff:

Date of Historic Preservation Commission meeting 4.19.06

Received by [Signature] Date 3.31.06

Your application will be placed on the agenda for the next Commission meeting if it is received two weeks prior to the next regularly scheduled meeting date.
Meetings are scheduled for the third Wednesday of each month.

NOTE: You are hereby advised that no work should commence on the above property until such time as the Historic Preservation Commission has issued a Certificate of Appropriateness

To be filled out by the Applicant

Separately describe each job to be performed on the exterior of the structure and/or property.

1a. What is being done? 1b. What materials are being used? 1c. What changes in appearance will there be?

1A - Re Roof Mansard Roof
1B - 40y Asphalt Timberline Type Shingles
1C - All The Shingles will be There. - different
Color -

2a. What is being done? 2b. What materials are being used? 2c. What changes in appearance will there be?

1A. Replace/Repair/Cover All Existing wood
siding & window trim
1-B Wood Advertising Composites, Metal, Etc
1- Many - Guest - See Pictures

3a. What is being done? 3b. What materials are being used? 3c. What changes in appearance will there be?

Attach drawings as described on page 2 to illustrate above described changes.

58B

CITY OF DES MOINES HISTORIC PRESERVATION COMMISSION
STAFF REPORT AND RECOMMENDATION
Wednesday, April 19, 2006

AGENDA ITEM #3

20-2006-5-36

Applicant: OPM Partners represented by James Shirley (partner).

Location: 729 17th Street (Sherman Hill Historic District).

Requested Action: Part A) Replace shingle on mansard roof portion of building with asphalt shingles.

Part B) Replace, repair and cover all existing wood siding and window trim with wood appearing composite siding and metal.

I. GENERAL INFORMATION

1. **Site Description:** The subject property is a two-story 18-unit apartment building with a mansard roof built circa 1967.
2. **Sanborn Map:** The 1920 map shows a single-family at this site.
3. **Relevant COA History:** N/A
4. **Additional Information:** The subject structure was not considered contributing to the district when it was established. The applicant has submitted photos of an example apartment building with the same siding and window materials as proposed. The siding in the example is a narrow lap cement board type siding.

II. APPLICABLE DESIGN GUIDELINES

1. **Architectural Guidelines for Building Rehabilitation (Siding/Exterior Surface):**
 - a. Artificial and Cover-up siding should be removed and the original siding restored.
 - b. Resurfacing the sides of a building with other than the original materials such as stone or brick veneer, cedar shakes, asbestos and asphalt shingles, Masonite, aluminum, steel, vinyl or diagonal wood or wide board lap siding is not permitted.

Staff believes that the use of a narrow lap composite siding with smooth finish would be more compatible with the nearby historic structures than the existing wide board lap siding.

Agenda Item # 3
Page 1

5/25/2006

2. Architectural Guidelines for Building Rehabilitation (Windows and Doors):

- a. The base color should be selected with two thoughts in mind: 1) the color should be from a palette used at the time the building was constructed; and 2) the color should relate well to the other buildings in the historic district, especially those adjacent.
- b. Existing windows should be retained, reconditioned and well maintained to be energy sound.

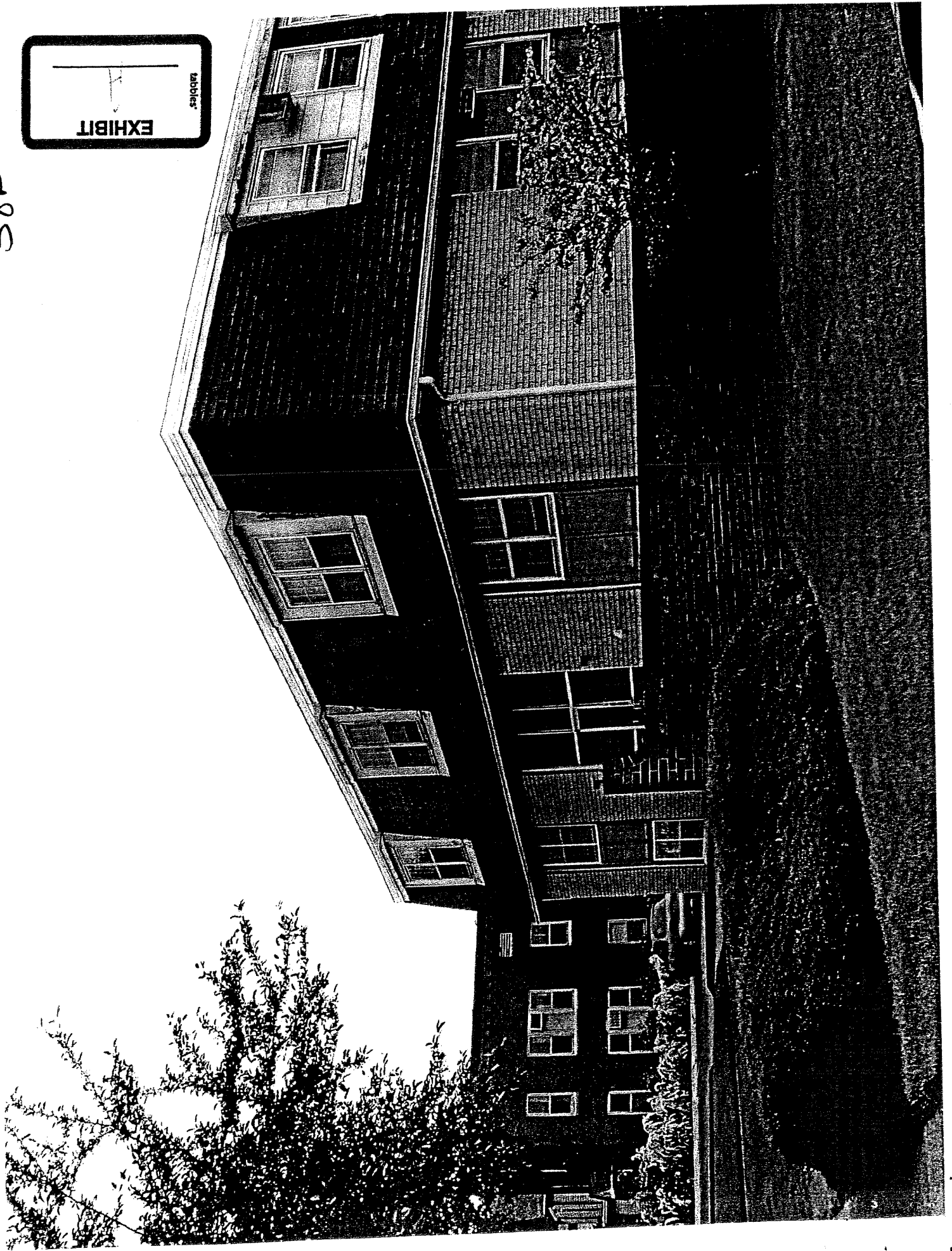
Staff recommends that meeting these guidelines be a condition of approval.

III. STAFF RECOMMENDATION

Staff recommends approval of the requested Certificate of Appropriateness subject to the following:

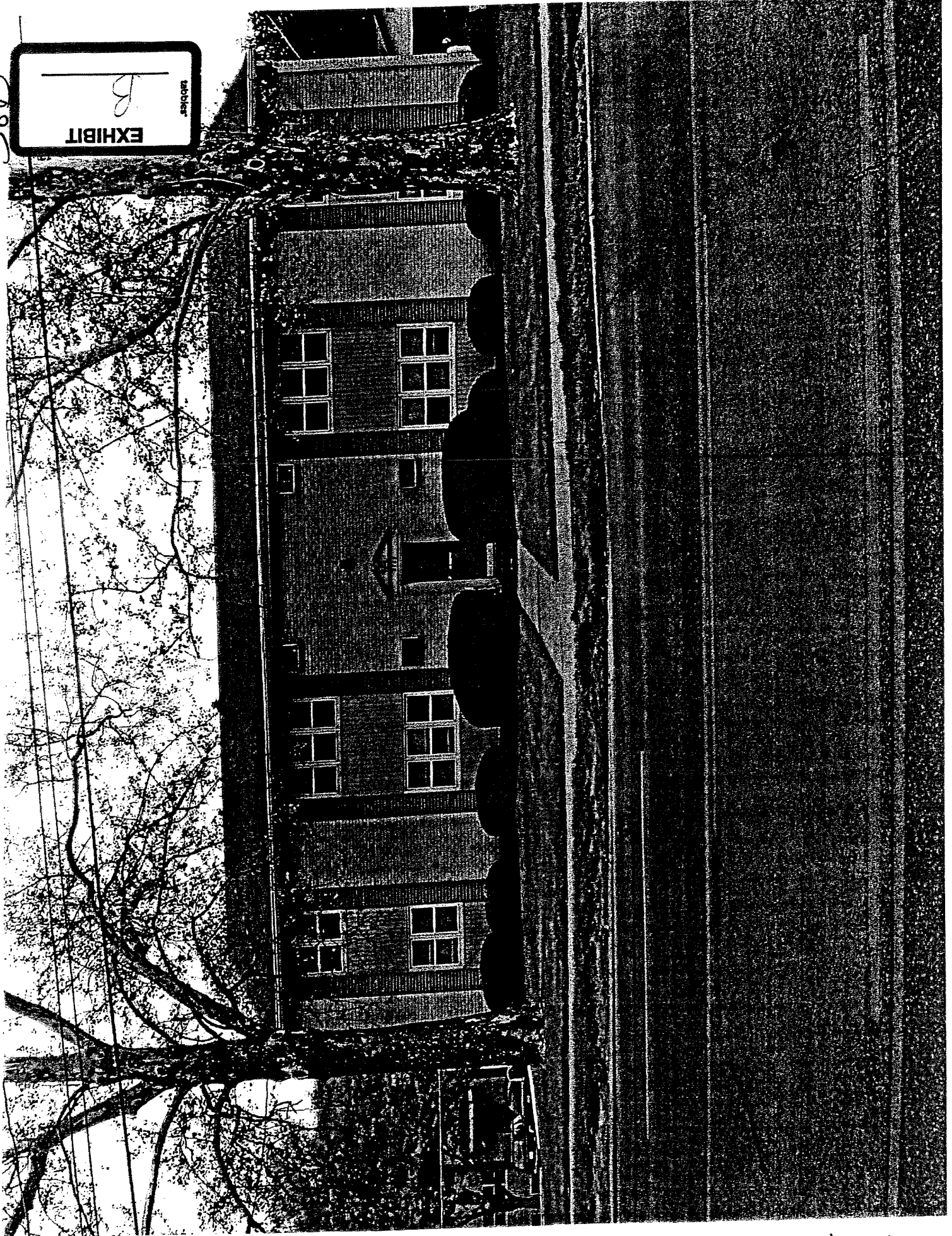
1. Use of smooth finish narrow lap composite siding with finish color that is complimentary to nearby historic structures and the subject building.
2. Use of a color on the window trim wrap that is complimentary to nearby historic structures and the subject building.

985



S8B

EXHIBIT
B
tabbies



58B

CITY OF DES MOINES
HISTORIC PRESERVATION COMMISSION
MINUTES SUMMARY

DATE: April 19, 2006
TIME: 5:30 P.M.
PLACE: City Council Chambers
City Hall, 400 Robert D. Ray Drive

COMMISSIONERS PRESENT: Susan Holderness (Chair), Mary Reavely (Vice Chair), Shirley Shaw, York Taenzer, Scotney Fenton, Sinde Berry

COMMISSIONERS ABSENT: Elaine Estes, Danelle Stamps, Teresa Schneider

STAFF PRESENT: Jason Van Essen, Senior City Planner

SUMMARY OF AGENDA ITEM #3

Request from OPM Partners for the following work at 729 17th Street located in the Sherman Hill Historic District.

- A) Replace shingles on mansard roof portion of buildings with asphalt shingles.
- B) Replace, repair and cover all existing wood siding and window trim with wood-appearing composite siding and metal.

Chair Susan Holderness read the description of the item from the agenda.

Jason Van Essen, Senior City Planner presented a summary of the staff report.

York Taenzer asked if the proposed composite siding was the same as masonite.

Mr. Van Essen stated that he believed it was, but would leave it to the applicant to better explain the materials they wish to use.

Mr. Taenzer asked if the windows currently had storm windows.

Mr. Van Essen stated that it appeared so in the pictures.

Chair Holderness asked the applicant to step forward.

Dan Gregg introduced himself as the property manager. He stated the building consists of off-white brick. He presented a sample of the shingles they wish to use on the Mansard portion of the roof, which would match the buildings to the south. He also stated they were proposing a beige color for the metal window wrap and the shutters would be a composite material or vinyl.

Mr. Taenzer asked if the shutters were going to go below the Mansard part of the roof.

Mr. Gregg answered yes.

Mr. Taenzer asked what would be done with the portion underneath the windows.

Mr. Gregg stated that beige to light brown color vinyl or hardiplank siding would be used.

Mr. Taenzer stated that hardiplank is the preferred siding material with smooth side out and that he did not care for wrapping the windows. He stated that even though it is not a historic structure or a contributing structure that he did not believe it would look appropriate in relationship to the neighborhood. He stated his preference would be a wood or hardiplank siding on the Mansard portions of the building with the windows being fixed, including the use of a storm windows instead of the proposed metal wrap.

Mr. Gregg stated that pictures he had seen of the metal wrap treatment showed the wrapping gives windows a finished look.

Mary Reavely stated that she would need to see a picture of what it would look like wrapped and that she was having a hard time picturing its appropriateness.

Mr. Gregg stated that some of the windows on the building were wrapped previously. He guessed they were wrapped in the late 60's.

Chair Holderness suggested the requested improvements be broken down into separate motions to expedite the process. She suggested shingle replacement be considered first. She stated the shingles look like they need to be replaced and asked if anyone had any concerns regarding the shingles.

Mary Reavley made a motion to approve staff's recommendation regarding the replacement of shingles on the Mansard portion of the roof.

York Taenzer stated the sample shingle presented by the applicant was great and seconded the motion.

ACTION OF THE COMMISSION: Motion to approve the staff recommendation approving the replacement of the shingles on the Mansard portion of the roof with asphalt shingles.

VOTE: A vote of 6-0 was registered as follows:

	Aye	Nay	Abstain	Absent
Holderness	X			
Estes				X
Reavely	X			
Stamps				X
Shaw	X			
Berry	X			
Fenton	X			
Schneider				X
Taenzer	X			

Chair Holderness suggested the Commission now discuss the siding. She stated that the applicant mentioned two different types of siding and she believed the Commission's preference was the hardiplank.

Mr. Gregg stated he was agreeable to hardiplank siding and that they just want to get something done so the building looks better.

Mr. Taenzer stated the Commission has always supported the use of wood or hardiplank siding and that both materials meet the historic guidelines.

Chair Holderness stated that hardiplank is appropriate if the smooth finish side is exposed.

Mr. Taenzer concurred.

Mr. Taenzer stated that he was concerned by the proposed wrapping of the windows.

Shirley Shaw stated she did not fully understand what wrapping the windows entailed.

Mr. Taenzer stated that wrapping consists of taking aluminum and coving the existing wood with it instead of fixing the problems and giving it a good coat of paint. The aluminum is usually white. In this case the applicant is proposing cream, which will still stand out against the very dark roof.

Mr. Taenzer suggested that someone should make a motion and that the Commission should vote for the wrapping or not.

Ms. Shaw stated that she thought they needed to repair the wood around the windows and not wrap them.

Chair Holderness asked the Commission if they were asking the applicant to either restore the wood around the windows or to replace the windows.

Ms. Reavely stated she thought the Commission was recommending that the applicant not use the metal wrap and that they come back with a different option.

Mr. Taenzer stated the Commission could approve everything except the window wrap. Unless the Commission felt they should be able to wrap the windows because the building is not a contributing structure.

Ms. Shaw stated she did not believe that the Commission should approve wrapping the windows.

Chair Holderness stated that wrap is not something that has been approved in the past, so it was really difficult for them to do.

Mr. Taenzer made a motion to approve the use of narrow hardiplank siding with the smooth finish side exposed for the portion of the building that was not brick or Mansard roof, but not approving the use of metal window wrap with the suggestion that the applicant return to the Commission with additional options for the windows.

Ms. Shaw seconded the motion.

ACTION OF THE COMMISSION: Motion to approve the use of narrow hardiplank siding with the smooth finish side exposed for the portion of the building not brick or Mansard roof, but not approving the use of metal window wrap with the suggestion that the applicant return to the Commission with additional options for the windows.

VOTE: A vote of 6-0 was registered as follows:

	Aye	Nay	Abstain	Absent
Holderness	X			
Estes				X
Reavely	X			
Stamps				X
Shaw	X			
Berry	X			
Fenton	X			
Schneider				X
Taenzer	X			

Chair Holderness asked Mr. Gregg if he had any questions.

Mr. Gregg stated that he did not and thanked the Commission.

Chair Holderness thanked Mr. Gregg.

58B

May 3, 2006

Mr. Jim Schipley
OPM Partners
7405 University Blvd., Suite 3
Clive, IA 50325

RE: 729 17th Street – Certificate of Appropriateness (Case # 20-2006-5.36)

Dear Mr. Schipley:

Please find attached the Certificate of Appropriateness regarding your application for improvements to 729 17th Street as approved by the Historic Preservation Commission on April 19, 2006.

If you are not satisfied with the decision of the Commission, please be advised that an appeal of their action must be made to the City Council. Appeals must be in writing and filed with the City Clerk no later than ten business days after the filing of the above-mentioned decision. The date of this letter serves as the filing date. An appeal must be submitted no later than May 17, 2006.

Please contact me at 283-4147 if you have any questions.

Sincerely,



Jason Van Essen, AICP
Senior City Planner



HISTORIC DISTRICT COMMISSION
ARMORY BUILDING
602 EAST FIRST STREET
DES MOINES, IOWA 50309-1881
(515) 283-4192

ALL-AMERICA CITY 1949, 1976, 1981

HISTORIC PRESERVATION COMMISSION
CITY OF DES MOINES
CERTIFICATE OF APPROPRIATENESS
In the Following Matter

This Certificate of Appropriateness is valid for one year from the meeting date

REQUEST FROM:	:	CASE NUMBER: 20-2006-5.36
	:	
OPM PARTNERS	:	
	:	
PROPERTY LOCATION:	:	MEETING DATE: APRIL 19, 2006
	:	
729 17TH STREET	:	

This Decision of the Historic Preservation Commission does not constitute approval of any construction. All necessary permits must be obtained before any construction is commenced upon the Property. A Certificate of Occupancy must be obtained before any structure is occupied or re-occupied after a change of use.

SUBJECT OF THE REQUEST:

Request from OPM Partners for the following work at 729 17th Street located in the Sherman Hill Historic District.

- Replace shingles on mansard roof portion of buildings with asphalt shingles.
- Replace, repair and cover all existing wood siding and window trim with wood-appearing composite siding and metal.

FINDING OF THE HISTORIC PRESERVATION COMMISSION:

Shingle Replacement: Granting the application as presented would be in harmony with the historic character of the neighborhood and would meet the requirements set out in the Historic District Ordinance, the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, and the City of Des Moines' Standard Specifications. **The property owner must obtain all necessary permits and the completed work must comply with construction codes.**

Siding Replacement: Granting the application as presented subject to the condition below would be in harmony with the historic character of the neighborhood and would meet the requirements set out in the Historic District Ordinance, the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, and the City of Des Moines' Standard Specifications. **The property owner must obtain all necessary permits and the completed work must comply with construction codes.**

CONDITION


- Use of narrow lap cement board siding with smooth finish side exposed.

Window Trim: Denial of the use of metal window trim wrap as not being in harmony with the historic character of the neighborhood and not meeting the requirements set out in the Historic District Ordinance, the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, and the City of Des Moines' Standard Specifications.

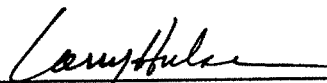
VOTE: A vote of 6-0 was registered as follows:

	Aye	Nay	Abstain	Absent
Holderness	X			
Estes				X
Reavely	X			
Stamps				X
Shaw	X			
Berry	X			
Fenton	X			
Schneider				X
Taenzer	X			

Approved as to form:



Michael Ludwig, AICP
Planning Administrator



Larry Hulse, AICP
Director, Community Development

58B

CONNOLLY O'MALLEY LILLIS HANSEN OLSON LLP

ATTORNEYS AT LAW

BANK OF AMERICA BUILDING
317 SIXTH AVENUE, SUITE 300
DES MOINES, IOWA 50309-4127

TELEPHONE (515) 243-8157
FAX (515) 243-3919
www.connollylawfirm.com

JOHN CONNOLLY, JR. (1891-1975)
GEORGE E. O'MALLEY (1905-1982)
JOHN CONNOLLY III (1918-1998)
BERNARD J. CONNOLLY (1920-1970)
C. I. McNUTT (1901-1958)

ESTABLISHED IN 1917

WILLIAM J. LILLIS
RUSSELL J. HANSEN
MICHAEL W. O'MALLEY
EUGENE E. OLSON
STREETAR CAMERON
DANIEL L. MANNING
CHRISTOPHER R. POSE
ADAM C. VAN DIKE

Writer's Direct E-Mail Address: dmanning@connollylawfirm.com
Writer's Direct Voice Mail: 515-243-8157 Ext. 243

May 17, 2006

Honorable Mayor and Members of the
Des Moines City Council
City Hall
400 Robert D. Ray Drive
Des Moines, IA 50309-1891

RECEIVED
MAY 17 2006
FILED

IN RE: Request from OPM Partners
Property Location: 729 - 17th Street
Case No. 20-2006-5.36
Appeal from the Determination of the Historic Preservation Commission

Dear Mayor Cownie and Honorable Members of the City Council:

Please be advised that the law firm of Connolly O'Malley Lillis Hansen Olson is representing OPM Partners and, pursuant to the notice which our client has received, we submit this appeal of the determination of the Historic Preservation Commission to the City Council concerning work which OPM Partners, as owner of the property, wishes to have performed on their property.

The property at 729 - 17th Street is located in the Sherman Hills Historic District. However, the building in question does not meet the criteria to be considered a historic building.

However, based upon the location of the property, my client was asked to make a presentation before the Historic Preservation Commission, and that meeting took place on April 19, 2006. A copy of a photograph of the property is attached hereto, marked as Exhibit "A", and incorporated herein by this reference.

The work which the owner wishes to have completed on its property is as follows:

1. Shingle replacement of the mansard roof.
2. Replacement and repair and cover of all existing wood siding on the property.
3. Replacement of the window trim with metal window trim wrap.

CONNOLLY O'MALLEY LILLIS HANSEN OLSON LLP

Honorable Mayor and Members of the City Council

City of Des Moines

May 17, 2006

Page 2

1. The Historic Preservation Commission granted the owner's request as it relates to Item No. 1 above, shingle replacement.
2. The Historic Preservation Commission granted the owner's application as it relates to the replacement and repair of all existing wood siding on the property. The owner asks for a clarification as to what constitutes "narrow" lap cement board siding with smooth finish side exposed. The owner's experience with lap cement board siding is that there is only one appropriate side of a lap cement board which should be exposed, and that side is not normally smooth, but has a wood grain texture. Further, there must be some clarification as to what the Commission and/or Council believes is considered to be "narrow".

A copy of a photograph of another property on which the owner has replaced, repaired and covered the existing wood siding on property is attached hereto, marked as Exhibit "B", and incorporated for the Council's reference as an example of the type of work which the owners have done. This is not lap cement board, but is vinyl siding which the owners believe is in harmony with the historic character of the neighborhood and would meet the requirements of the Historic District Ordinance, the Commission and the City Council.

3. Window Trim - The Historic Preservation Commission has denied the owner's application to replace, repair and cover the window trim with a metal window trim wrap. As stated earlier in this appeal, the building in question is not a historic building. Further, the photograph shows the wear which the trim on the existing building has experience. There is no support for the position that metal window trim wrap would not be professionally installed and appropriate for this particular property. Please note in Exhibit "A", the photograph shows an approximately 6 inch metal cap along the top of the mansard roof. The metal cap was previously approved, is in harmony with the historic character of the neighborhood, and is assisting in maintaining the integrity of the neighborhood by allowing the property owners to maintain the aesthetic quality of this non-historic building.

The requirements placed upon the owner by the Historic Preservation Commission will cause the owner, in addition to the anticipated cost, approximately an additional \$10,000.00 to replace the wood trim, sashes and brick molding.

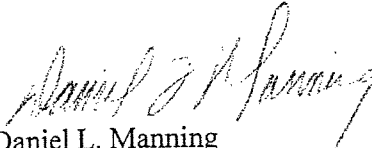
The owner asserts that it supports the mission of the Historic Preservation Commission and the owner's efforts are in harmony with the historic character of the neighborhood, and that the window trim wrap being proposed is an appropriate means of repairing the window trim, sills, sashes, and brick molding on the building. Further, metal trim is already located on the building, there is no support for the argument that the metal window trim wrap being proposed is anything

CONNOLLY O'MALLEY LILLIS HANSEN OLSON LLP

Honorable Mayor and Members of the City Council
City of Des Moines
May 17, 2006
Page 3

other than a quality method of repair for the existing facility.

Very truly yours,


Daniel L. Manning
For the Firm

ATTORNEYS REPRESENTING THE APPLICANT OPM PARTNERS

58B

CONNOLLY O'MALLEY LILLIS HANSEN OLSON LLP

ATTORNEYS AT LAW

BANK OF AMERICA BUILDING
317 SIXTH AVENUE, SUITE 300
DES MOINES, IOWA 50309-4127

TELEPHONE (515) 243-8157
FAX (515) 243-3919
www.connollylawfirm.com

JOHN CONNOLLY, JR. (1891-1975)
GEORGE E. O'MALLEY (1905-1982)
JOHN CONNOLLY III (1918-1998)
BERNARD J. CONNOLLY (1920-1970)
C. I. McNUTT (1901-1958)

ESTABLISHED IN 1917

WILLIAM J. LILLIS
RUSSELL J. HANSEN
MICHAEL W. O'MALLEY
EUGENE E. OLSON
STREETAR CAMERON
DANIEL L. MANNING
CHRISTOPHER R. POSE
ADAM C. VAN DIKE

Writer-s Direct E-Mail Address: dmanning@connollylawfirm.com
Writer's Direct Voice Mail: 515-243-8157 Ext. 243

May 17, 2006

Honorable Mayor and Members of the
Des Moines City Council
City Hall
400 Robert D. Ray Drive
Des Moines, IA 50309-1891

DEPT OF CITY CLERK
MAY 17 11:00 AM
FILED

IN RE: Request from OPM Partners
Property Location: 729 - 17th Street
Case No. 20-2006-5.36
Appeal from the Determination of the Historic Preservation Commission

Dear Mayor Cownie and Honorable Members of the City Council:

Please be advised that the law firm of Connolly O'Malley Lillis Hansen Olson is representing OPM Partners and, pursuant to the notice which our client has received, we submit this appeal of the determination of the Historic Preservation Commission to the City Council concerning work which OPM Partners, as owner of the property, wishes to have performed on their property.

The property at 729 - 17th Street is located in the Sherman Hills Historic District. However, the building in question does not meet the criteria to be considered a historic building.

However, based upon the location of the property, my client was asked to make a presentation before the Historic Preservation Commission, and that meeting took place on April 19, 2006. A copy of a photograph of the property is attached hereto, marked as Exhibit "A", and incorporated herein by this reference.

The work which the owner wishes to have completed on its property is as follows:

1. Shingle replacement of the mansard roof.
2. Replacement and repair and cover of all existing wood siding on the property.
3. Replacement of the window trim with metal window trim wrap.

CONNOLLY O'MALLEY LILLIS HANSEN OLSON LLP

Honorable Mayor and Members of the City Council

City of Des Moines

May 17, 2006

Page 2

1. The Historic Preservation Commission granted the owner's request as it relates to Item No. 1 above, shingle replacement.
2. The Historic Preservation Commission granted the owner's application as it relates to the replacement and repair of all existing wood siding on the property. The owner asks for a clarification as to what constitutes "narrow" lap cement board siding with smooth finish side exposed. The owner's experience with lap cement board siding is that there is only one appropriate side of a lap cement board which should be exposed, and that side is not normally smooth, but has a wood grain texture. Further, there must be some clarification as to what the Commission and/or Council believes is considered to be "narrow".

A copy of a photograph of another property on which the owner has replaced, repaired and covered the existing wood siding on property is attached hereto, marked as Exhibit "B", and incorporated for the Council's reference as an example of the type of work which the owners have done. This is not lap cement board, but is vinyl siding which the owners believe is in harmony with the historic character of the neighborhood and would meet the requirements of the Historic District Ordinance, the Commission and the City Council.

3. Window Trim - The Historic Preservation Commission has denied the owner's application to replace, repair and cover the window trim with a metal window trim wrap. As stated earlier in this appeal, the building in question is not a historic building. Further, the photograph shows the wear which the trim on the existing building has experience. There is no support for the position that metal window trim wrap would not be professionally installed and appropriate for this particular property. Please note in Exhibit "A", the photograph shows an approximately 6 inch metal cap along the top of the mansard roof. The metal cap was previously approved, is in harmony with the historic character of the neighborhood, and is assisting in maintaining the integrity of the neighborhood by allowing the property owners to maintain the aesthetic quality of this non-historic building.

The requirements placed upon the owner by the Historic Preservation Commission will cause the owner, in addition to the anticipated cost, approximately an additional \$10,000.00 to replace the wood trim, sashes and brick molding.

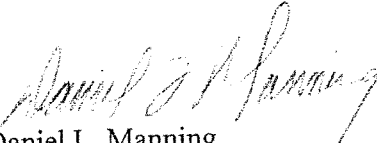
The owner asserts that it supports the mission of the Historic Preservation Commission and the owner's efforts are in harmony with the historic character of the neighborhood, and that the window trim wrap being proposed is an appropriate means of repairing the window trim, sills, sashes, and brick molding on the building. Further, metal trim is already located on the building, there is no support for the argument that the metal window trim wrap being proposed is anything

CONNOLLY O'MALLEY LILLIS HANSEN OLSON LLP

Honorable Mayor and Members of the City Council
City of Des Moines
May 17, 2006
Page 3

other than a quality method of repair for the existing facility.

Very truly yours,


Daniel L. Manning
For the Firm

ATTORNEYS REPRESENTING THE APPLICANT OPM PARTNERS