

Date..... July 24, 2006

RESOLUTION AFFIRMING THE DECISION OF THE HISTORIC
PRESERVATION COMMISSION

WHEREAS, on June 21, 2006, the Historic Preservation Commission conditionally approved an application from James and Sandra Quilty for a Certificate of Appropriateness for exterior alterations to their home at 814 17th Street in the Sherman Hill Historic District and for the construction of a new carriage house upon vacant land adjacent to the home; and,

WHEREAS, the Commission's approval of the Certificate of Appropriateness is subject to a requirement that the proposed new carriage house be moved behind the Quiltys' house at 814 17th Street, rather than being located to the side of the house; and,

WHEREAS, James and Sandra Quilty have appealed the Commission's decision to the City Council pursuant to §58-31(f) of the Des Moines Municipal Code; and ,

WHEREAS, on July 10, 2006, by Roll Call No. 06-1338, it was duly resolved by the City Council that the appeal be set down for hearing on July 24, 2006, at 5:00 p.m., in the Council Chambers; and,

WHEREAS, due notice of the hearing was mailed to the applicants on July 11, 2006, and published in the Des Moines Register on July 18, 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.
2. The City Council hereby finds that the decision of the Historic Preservation Commission requiring as a condition of approval of a Certificate of Appropriateness for a new carriage house at 814 - 17th Street, that the carriage house be moved behind the principal dwelling, is not arbitrary or capricious and should be upheld.

(continued)

Date July 24, 2006

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3. The City Council hereby makes the following findings in support of this decision:

a) The Architectural Guidelines for New Construction in Des Moines' Historic Districts states the following:

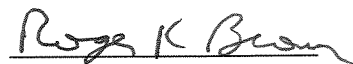
- The spacing between buildings on a block and the size of building fronts should relate to the existing rhythm that is already established on a block face.
- Garages, which are part of new construction, should be located in a position relative to the main building, which is the same as other garages and outbuildings in the historic district.
- New outbuildings should be set along the alley or as close to the alley at the current city codes will allow.
- The Sanborn maps should be consulted to determine the historical placement of outbuildings before considering any new construction.

b) The location of the carriage house proposed by the applicant does not maintain the historic building pattern of the Sherman Hill Historic District and is not appropriate.

(Council Communication No. 06-)

MOVED by _____ to adopt, and affirm the decision of the Historic Preservation Commission to conditionally approve the Certificate of Appropriateness.

FORM APPROVED:


 Roger K. Brown
 Assistant City Attorney
 C:\Rog\Historic\Appeals\Quilty\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

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

(To be filled out by the applicant)

File Number 20- 2006- 5.49

Address of the Property: 814 17th Street, Des Moines, 50314

Legal Description of the Property: N 50 F Lot 122 TE Browns Addition to Des Moines

Owner of the Property James and Sandra Quilty

Owner's Phone Number: Home (515)244-5763 Work (515)245-5420

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

Current use of the property: Single family residential

Approximate date structure was built: 1893

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

2002 – refinish and repair all first floor hard wood floors (owner)

2004 – new roof; remove asphalt siding and repair and replace wood siding; paint exterior;
remodel kitchen; refinish and repair all second story hard wood floors (owner)

2005 – repair and replace dinning room ceiling (owner)


Applicant's Signature

5-11-06
Date

To be filled out by staff:

Date of Historic Preservation Commission meeting June 21, 2006

Received by  **Date** 5.11.06

**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?

Project number 1 is a repair and refurbish of our sole bathroom. In 2005, there was water damage that originated from this bathroom that required the removal of all floor tiling. Presently, the bathroom is very small and narrow and fails to utilize the space efficiently. The plan would be to remove all fixtures (none of which are historically significant except the small steam radiator which will be relocated and used elsewhere in the home), re-organize location of the tub / shower; and re-hang the entrance door so it opens out to the hall versus opening into the bathroom where it then impacts with the toilet. The current layout of the bathroom is depicted at attachment #1. The new proposed layout is depicted at attachment #2. Almost 100% of the project will be interior and not visible from the outside and, hence, not within the purview of the commission. However, in order to accomplish the re-location of the bath / tub an alteration of the window will be necessary. Our contractor proposes using Delphi Glass Block to fill in the window space with no alteration to the existing outside window trim. It is questionable in my mind whether this change requires a certificate of appropriateness but, nevertheless as current President of the Sherman Hill Neighborhood Association, I wanted to submit the project for approval. The change will not be visible from the road as the window sits on the north wall of the home, is small by comparison to the other windows in the home, and view of the window is nearly completely obscured by the three story brick apartment building that sits immediately to the north with a mere 8 feet approximate distances between our outer north wall and the apartment buildings outer south wall. In other words, someone would need to intentionally walk down the 4 feet of yard on the north side of our home or the 4 feet of yard on the south side of the apartment (which are divided by a fence) in order to even get a glimpse of the glass blocks. The selection of glass blocks was intended to give the bathroom ambient light while maximizing the space in the bathroom by allowing the tub / bath to run along the north wall in an east to west fashion. For a complete description of the total project, see attachment #3 which is the full \$19,000 renovation bid from our contractor.

To be filled out by the Applicant

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

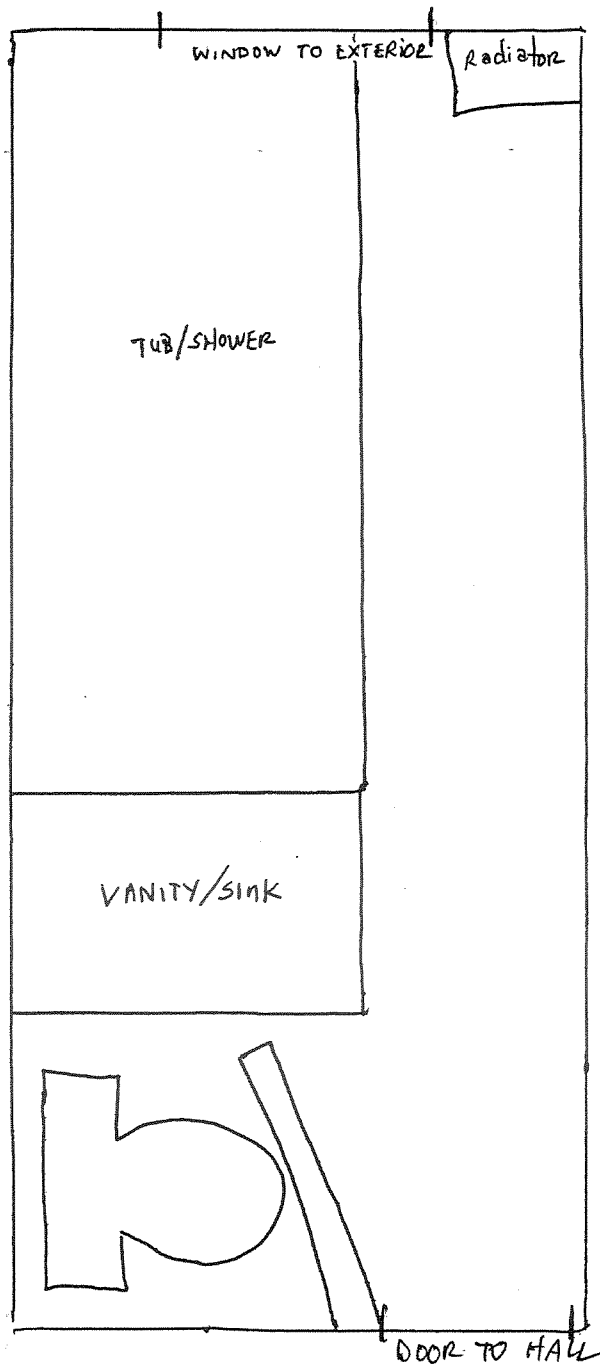
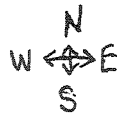
2a. What is being done? 1b. What materials are being used? 1c. What changes in appearance will there be?

The proposed project is the construction of a carriage house. Copies of drawings from our contractor are included as an attachment. The second story of the home will be finished by the owners and used as a game room / bar. It is our intention to eventually run plumbing to the 2nd story to make the game room / bar more convenient and practical in use as well to allow the space to double as a guest house for relatives and friends that visit from out of state.

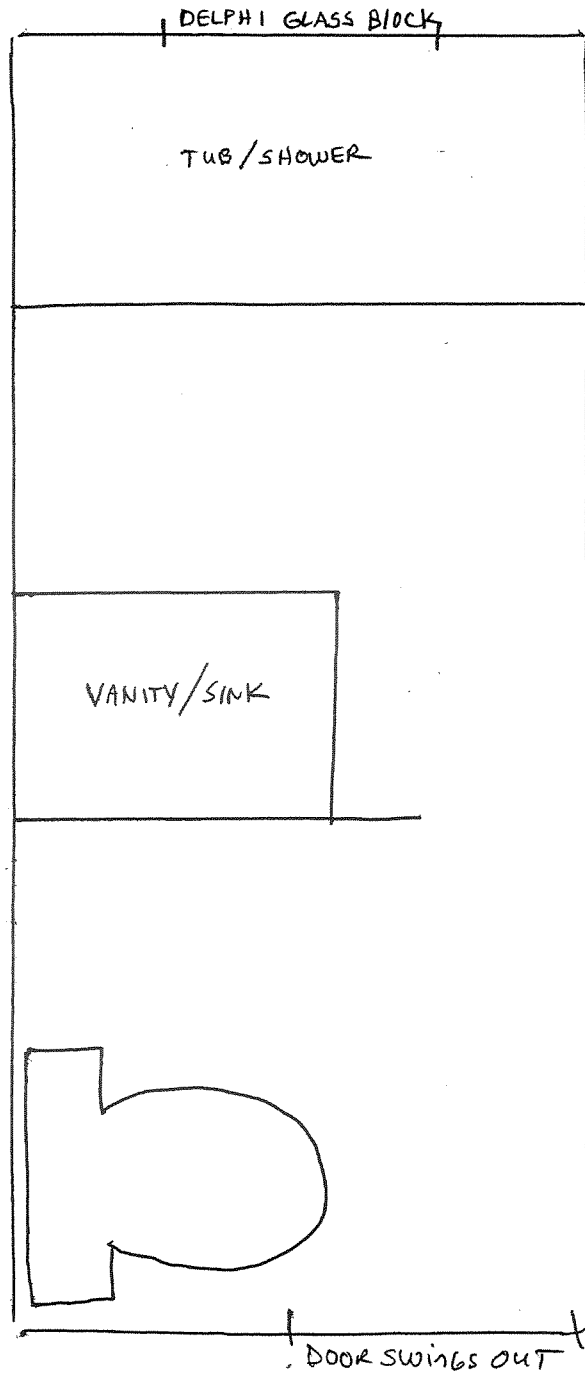
The carriage house will be located on the south west border of our current lot and carry over into the North West portion of the adjacent lot – 50% of which we are acquiring from the current owner to facilitate this construction while keeping ample area for landscaping and gardening.

The garage will be constructed of wood and painted to match the home. For a good example of the quality and appearance anticipated, please look at the garage at 740 16th Street as we are using the same contractor and the plan for our garage closely mirrors this structure.

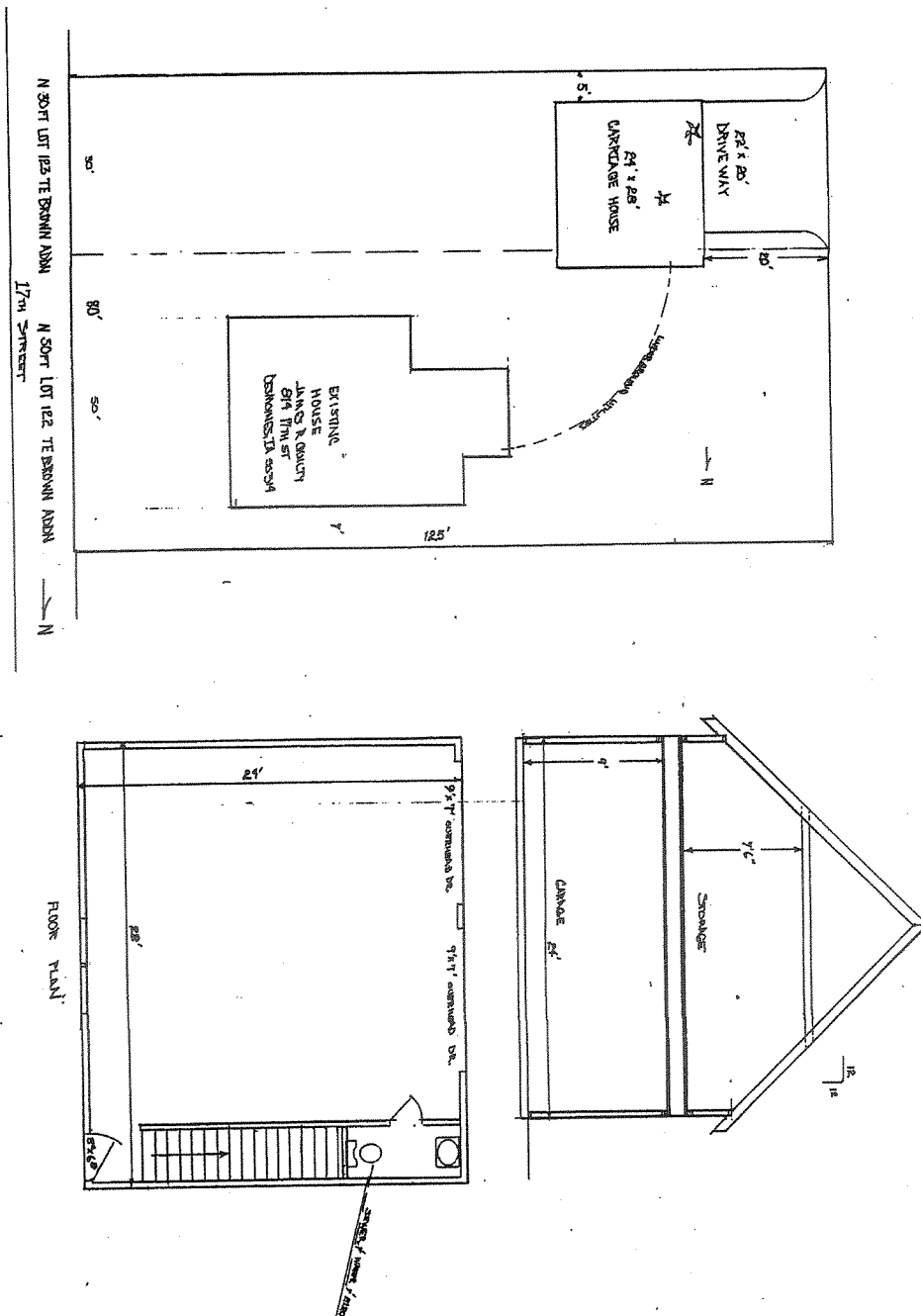
CURRENT BATHROOM LAYOUT

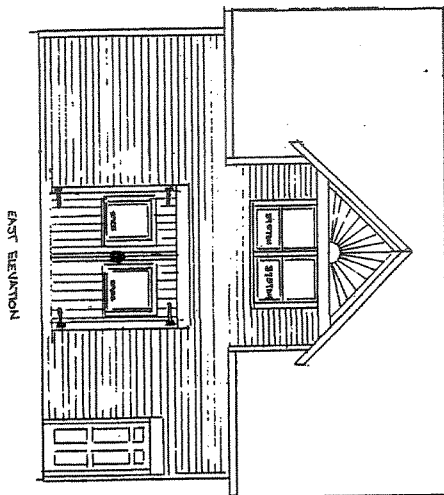
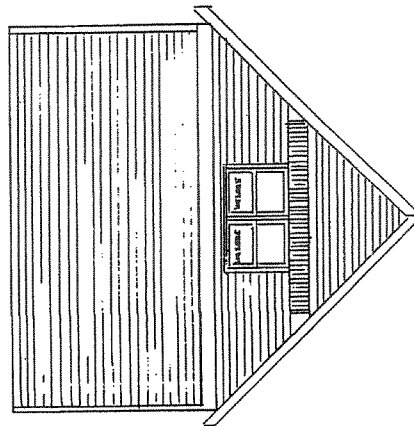
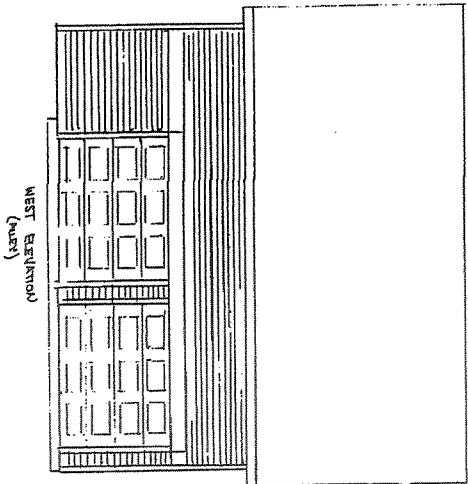
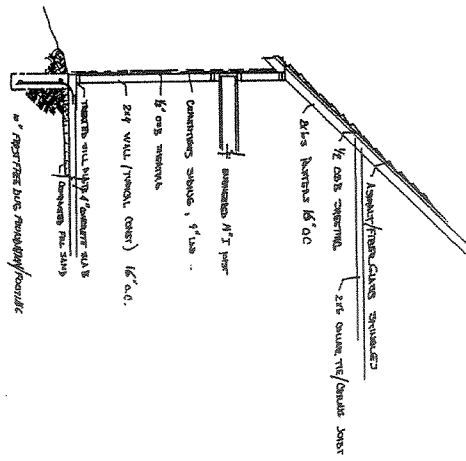


PROPOSED BATHROOM LAYOUT

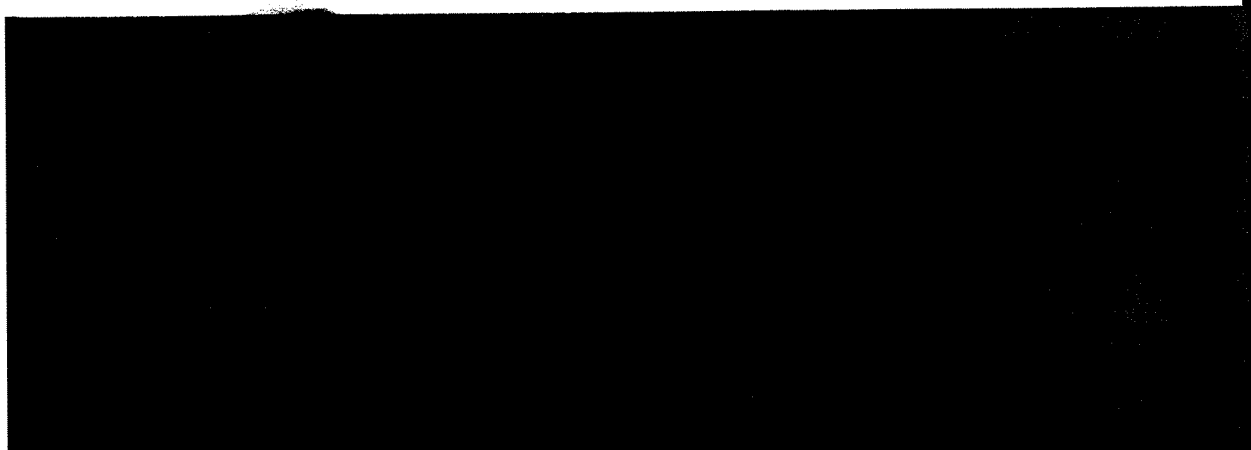
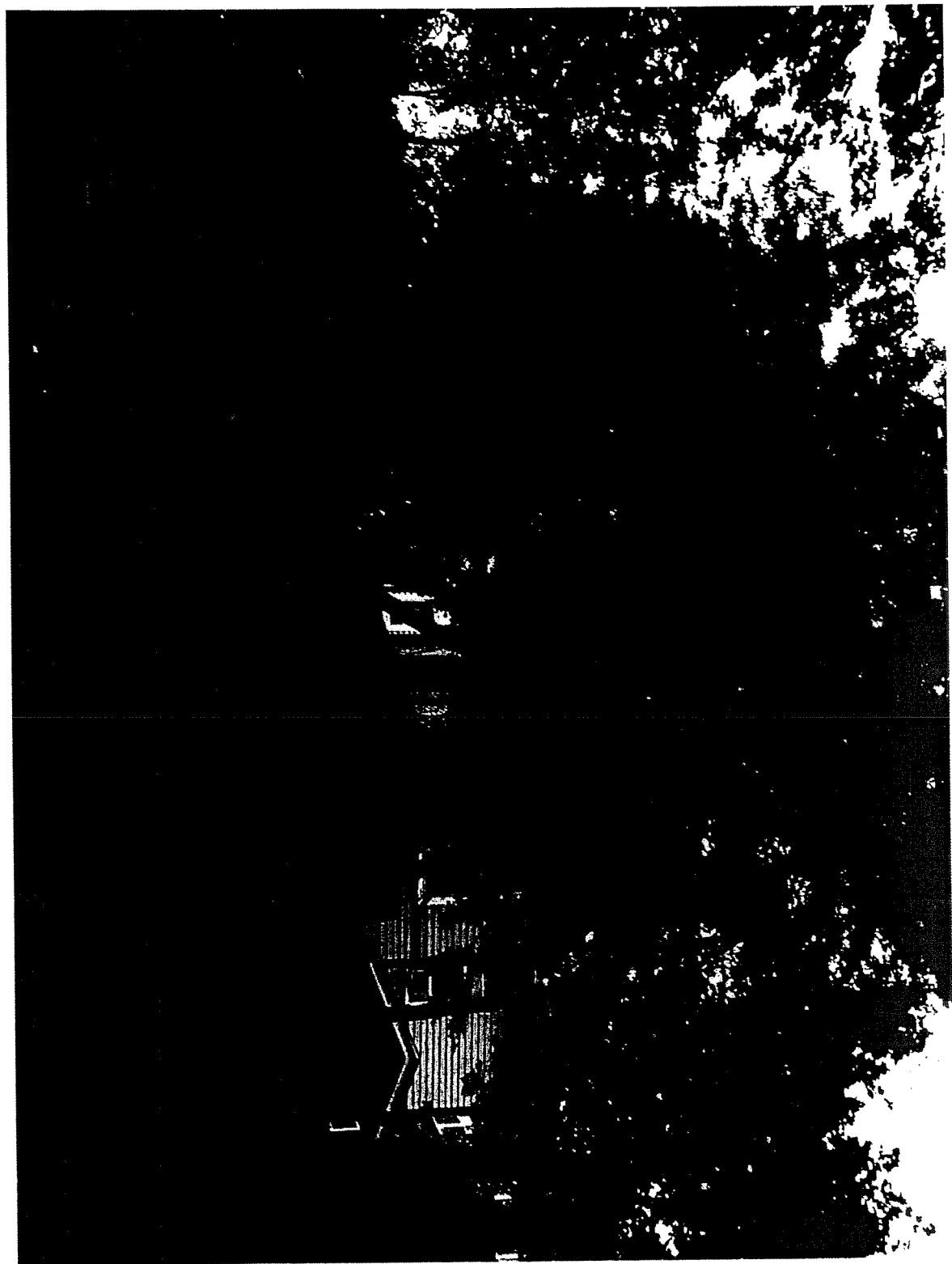


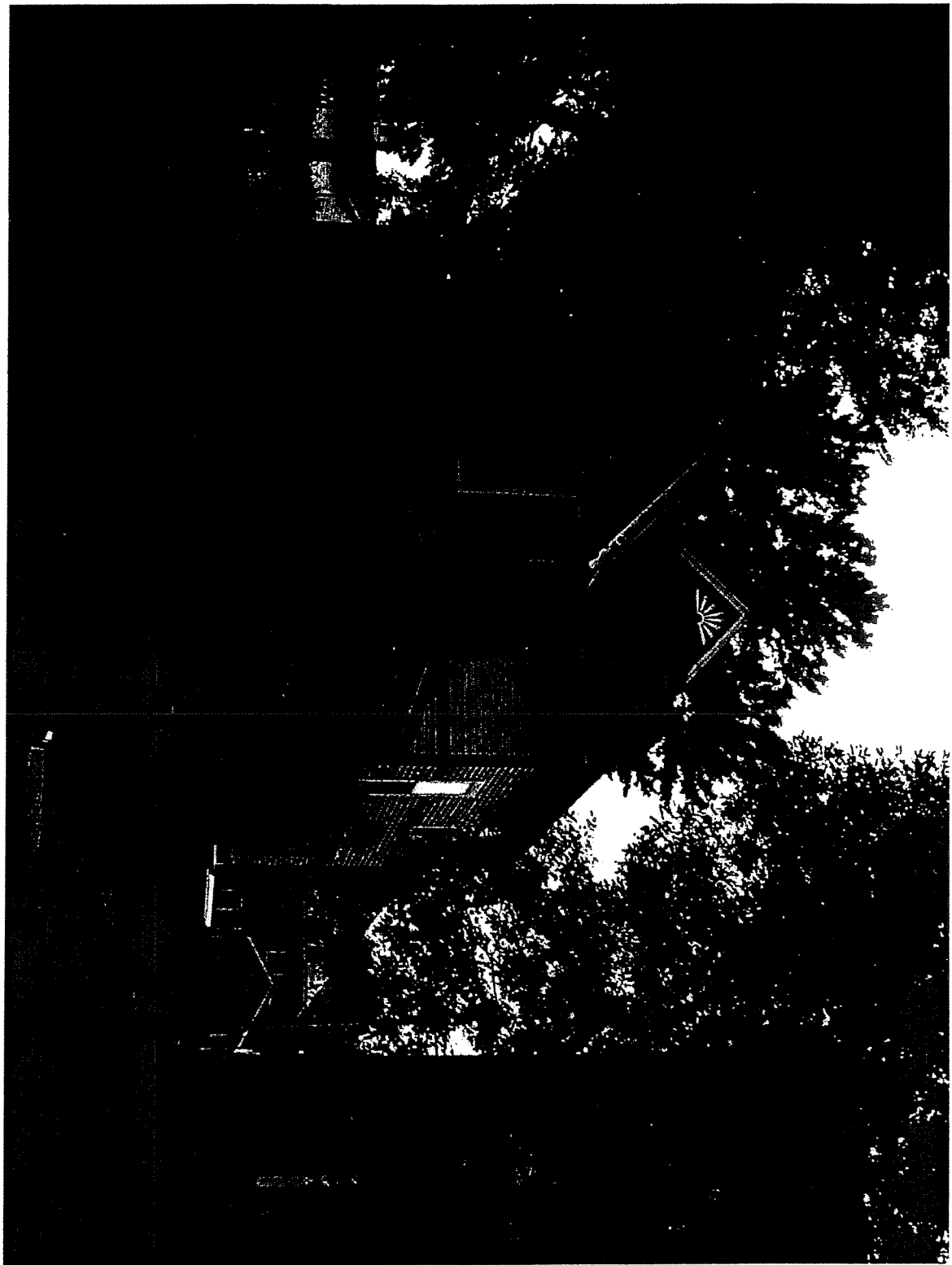
HEAT SOURCE TO
BE FLOOR BOARD
LEVEL — LOCATION
NOT YET DETERMINED



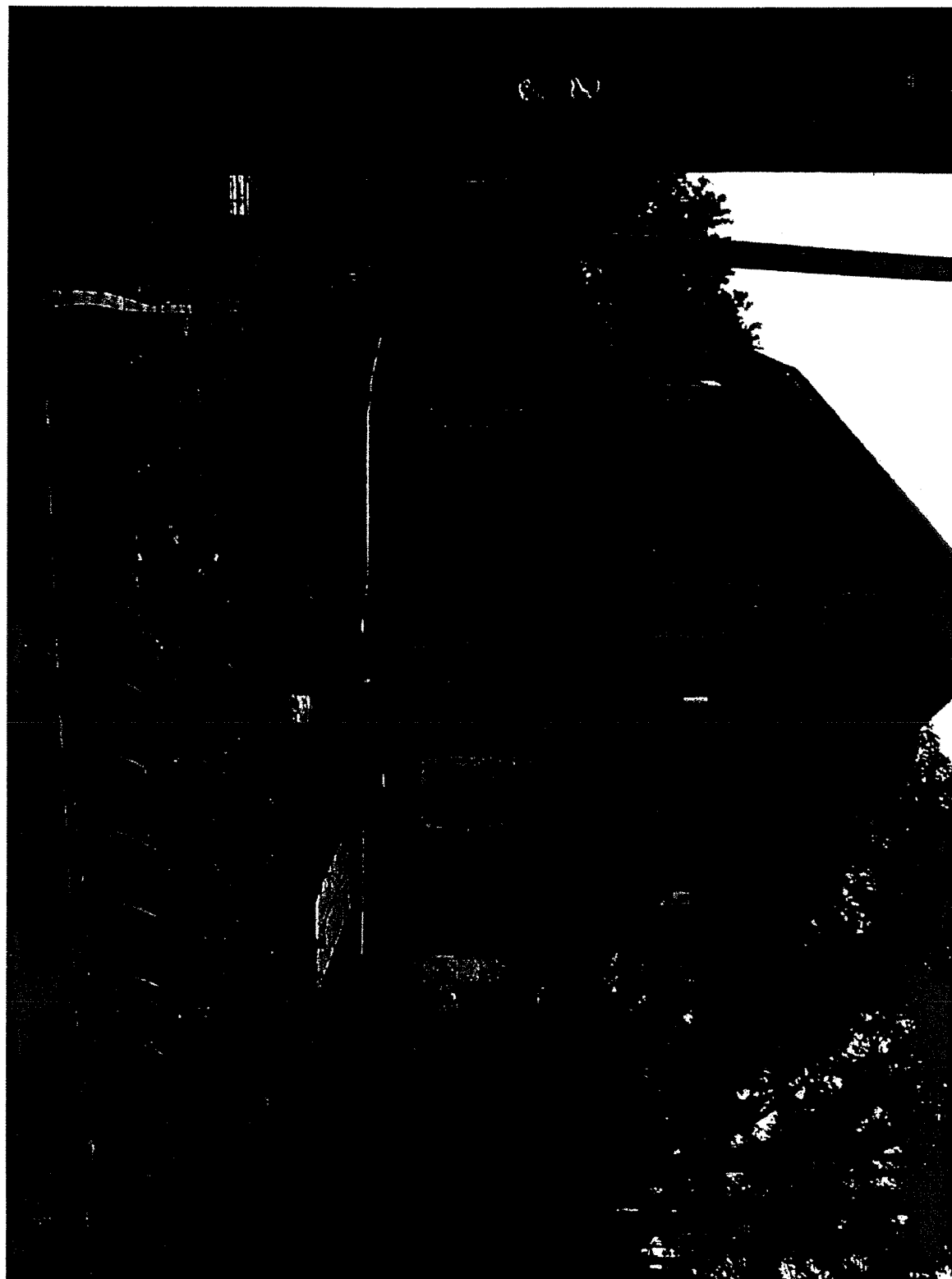


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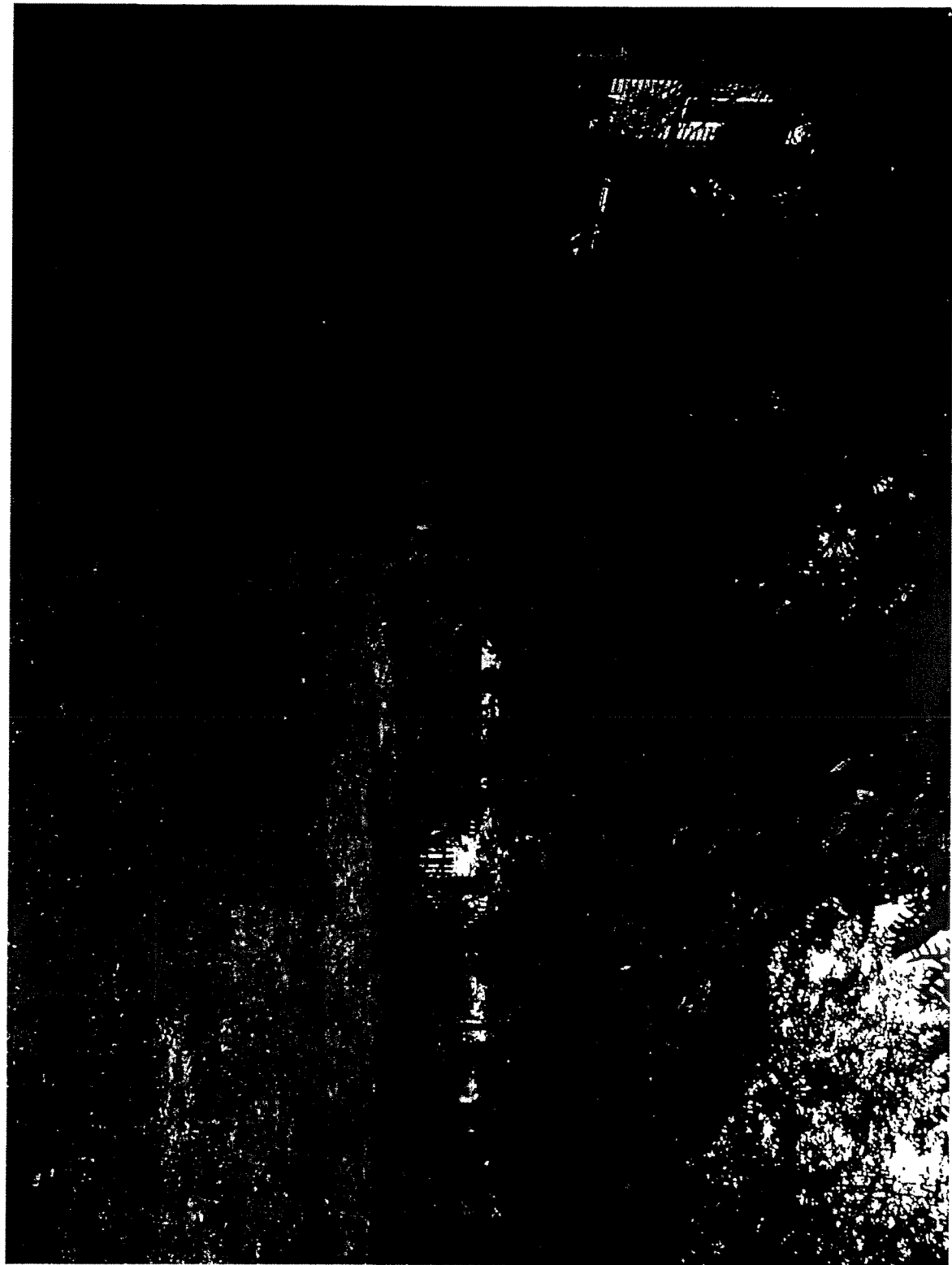




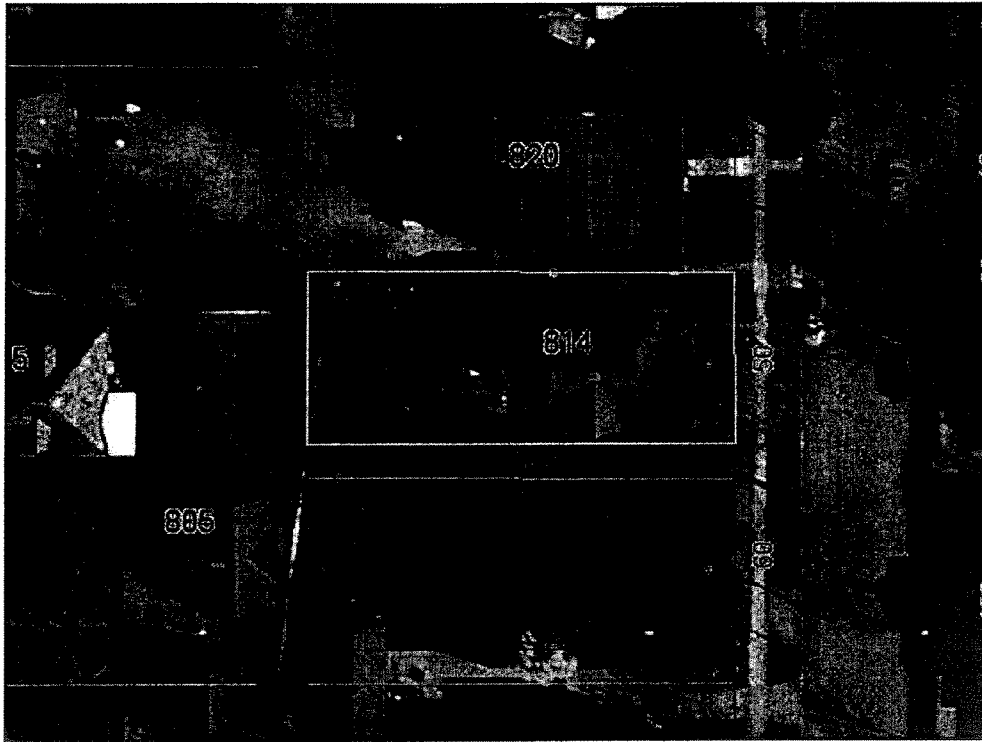


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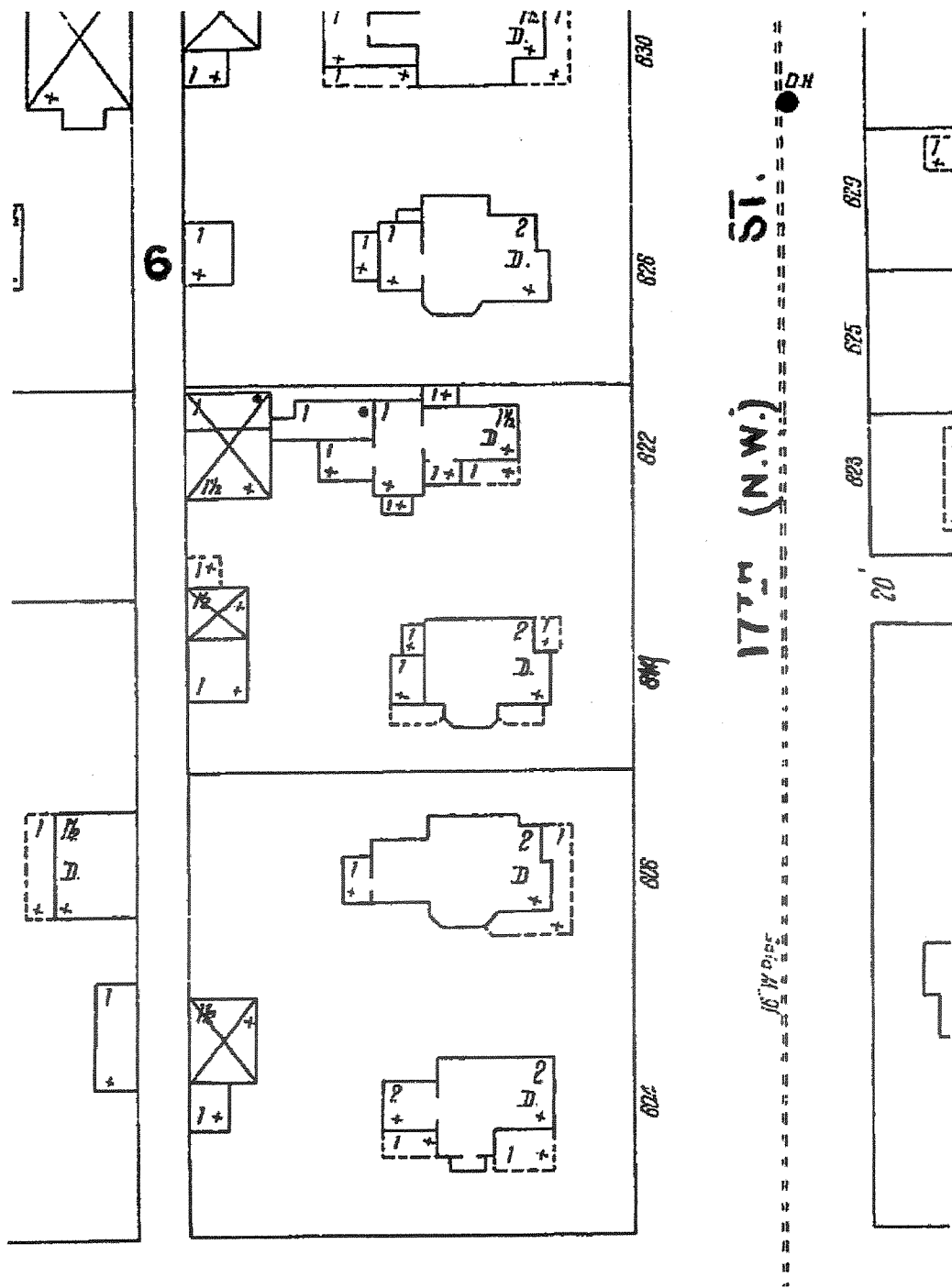




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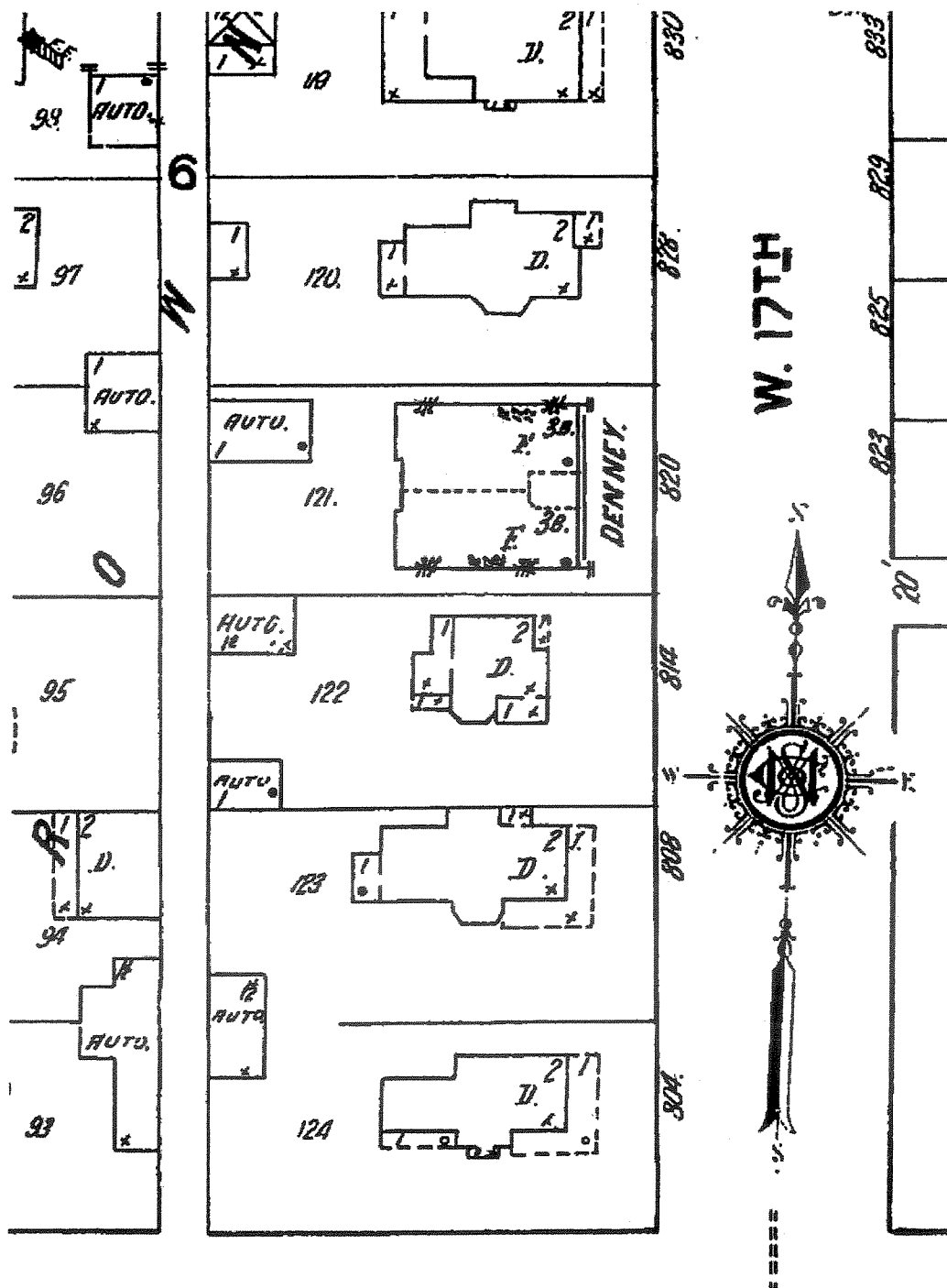


Courtesy of Polk County Auditor Michael Mauro
284' x 213' -- Click to center and select a parcel



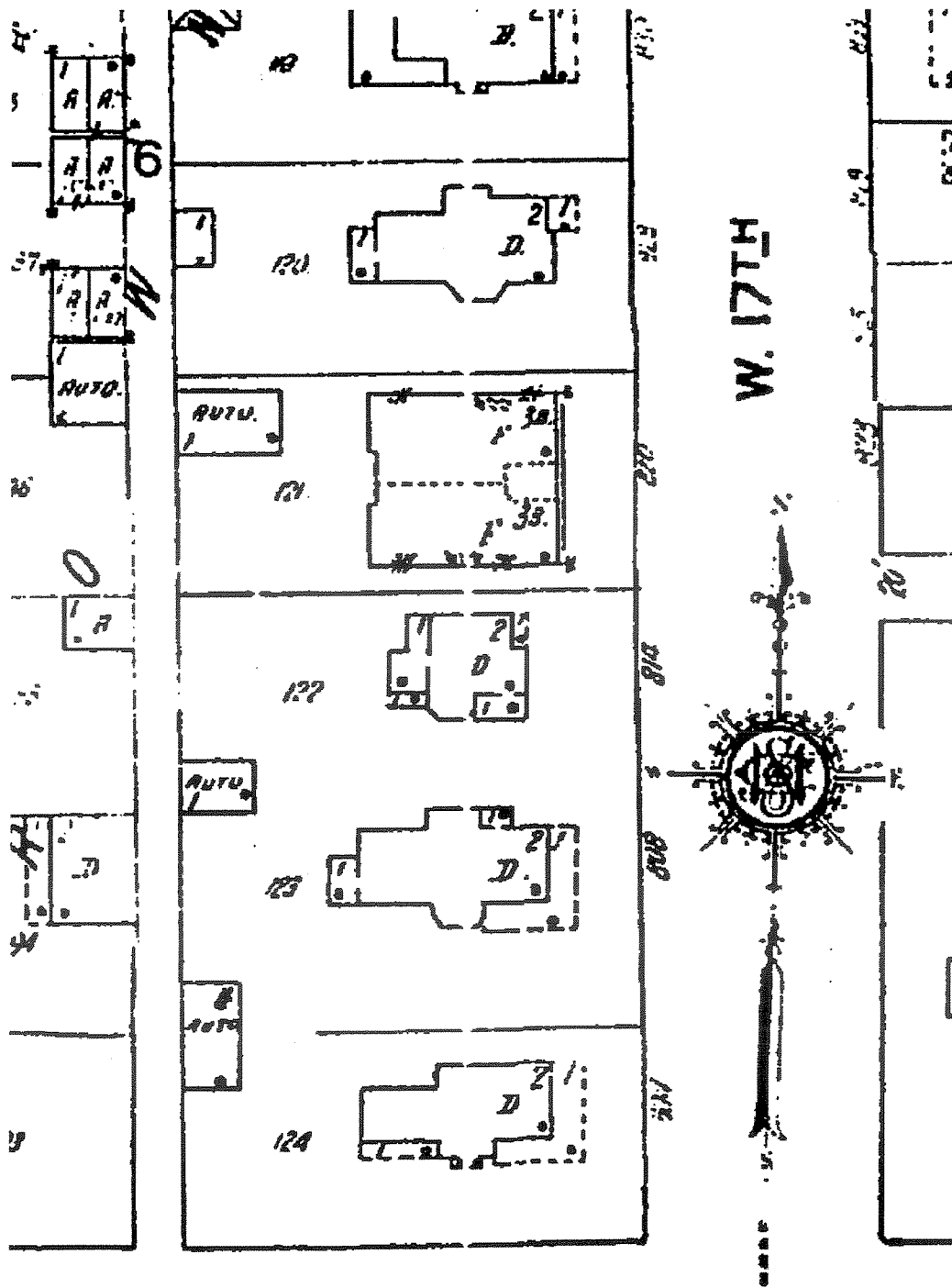
1901 SANBORN MAPS

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1920 SANBORN MAPS

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1957 SANBORN MAPS

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CITY OF DES MOINES HISTORIC PRESERVATION COMMISSION
STAFF REPORT AND RECOMMENDATION
Wednesday, June 21, 2006

AGENDA ITEM #1

20-2006-5.49

Applicant: James and Sandra Quilty

Location: 814 17th Street. (Sherman Hill Historic District)

Requested Action: Part A) Replacement of a bathroom window with glass block on the north side of the house leaving existing window trim.

Part B) Construction of a carriage house.

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicants are seeking to remodel the interior of their second floor bathroom. In order to place a shower/tub along the north exterior wall they propose replacing the existing window with a glass block to give more ambient light and ensure privacy. The existing exterior window trim is proposed to be retained.


The applicant is also proposing construction of a new 24' x 28' 1-½ story carriage house with a 12:12 roof pitch, two single overhead doors facing the alley to the west and a dormer on the east. There are paired double-hung windows proposed on the north, east, and south facades on the upper story. A pedestrian door and a double swinging door with windows are proposed on the east façade. Narrow lap wood siding is proposed with some period detail below the gables and ornamentation on the dormer gable to match the front gable of the house above the main roof hip.

2. **Site Description:** The subject property is a two-story single-family dwelling located on a 50'x125' parcel with no accessory structures. The property has access from a north/south alley.

The submitted site sketch also includes a 30'-wide portion of the 60'x125' vacant parcel to the south, not currently under ownership by the applicant. The owner of this property would have to divide the parcel in accordance with the City Subdivision Ordinance, which would require re-platting all three parcels into two parcels.

3. **Sanborn Map:** The 1901 map indicates that the subject property contained a single family dwelling with a 1-½ story accessory structure at the northwest corner of the parcel with an attached single-story portion on the south and a small attached open roof area on the north.

The 1920 map indicates the single-family dwelling in the same configuration and a 1-½ story garage in the same location but without the attachments indicated in 1901. The map indicated a second single-story garage at the southwest corner of the



property. Also, by 1920 the property to the north had been redeveloped with a double house known as the "Denney".

The 1957 map indicates the dwelling in the same configuration. However, the 1-½ story garage had been removed. A single-story garage at the southwest corner of the property still existed.

4. **Relevant COA History:** On August 2, 1983, a Certificate of Appropriateness was issued to allow the replacement of the front porch. On July 29, 2003, the Commission issued a Certificate of Appropriateness to allow installation of a 4' picket fence along the north and west property lines.
5. **Additional Information:** The Sherman Hill Neighborhood Plan contains goals and objectives for housing that seek to identify and preserve vacant properties for infill construction and house moving. The property to the south, a portion of which is proposed for the carriage house/garage, is considered a buildable parcel based on "R-HD" requirements. Staff is concerned that the proposal in question will eliminate the ability for a future infill dwelling or house move on that property.

On March 4, 1986, the Commission granted a Certificate of Appropriateness for reconstruction of a barn/carriage house on property located at 804 17th Street that extended into the vacant parcel to the south of the subject property. Staff believes that even with the existing barn, a buildable parcel can be salvaged from the remaining portion of the vacant property.

II. APPLICABLE DESIGN GUIDELINES

1. Architectural Guidelines for Building Rehabilitation (window replacement):

- a. Existing windows should be retained, reconditioned and well maintained to be energy sound.
- b. Any replacement windows should duplicate the original window in type, size and material. The shape of the original window subdivisions should not be changed. New muntin bars and mullions should duplicate the original in size and profile shape.

Staff is empathetic to the rationale for the use of glass block for a window replacement. The applicant presents the argument that it is a window that is smaller when compared to the rest of the windows on the existing home, and is not highly visible except to the apartment building on the north. This proposal does not fit entirely within the design guidelines established for windows. Staff believes that frosted panes would be more in keeping with the design guidelines if they are able to work functionally with the proposed bathroom renovations.

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Revised 06/16/06

2. Architectural Guidelines for New Construction (carriage house):

- a. The spacing between buildings on a block and the size of building fronts should relate to the existing rhythm that is already established on a block face.

Staff believes that the placement of the carriage house as proposed interferes with the ability to meet the existing rhythm of building fronts on the 17th Street block face.

- b. Garages which are part of new construction should be located in a position relative to the main building which is the same as other garages and outbuildings in the historic district.
- c. New outbuildings should be set along the alley or as close to the alley at the current city codes will allow.
- d. The Sanborn maps should be consulted to determine the historical placement of outbuildings before considering any new construction.

The historic locations of outbuildings were at both the northwest and southwest corners of the subject property according to the Sanborn maps. These guidelines suggest that the proposed outbuilding should be located further north within the confines of the original parcel for the subject property.

Staff also believes that the proposed carriage house could be shifted 10' closer to the 14' alley, which would still meet the minimum required 24' of maneuvering for the garage spaces. This would preserve rear yard space and be more in keeping with the character of the neighborhood.

- e. New outbuildings should be subordinate to the primary dwelling.

The proposed carriage house is 1-½ stories and is clearly subordinate to the primary dwelling at 2-½ stories.

- f. New outbuildings should be simple in design while incorporating traditional elements of scale, roof form, and material. The height should typically be 1 to 1-½ stories with a 10' floor-to-ceiling height.

Staff believes that the applicant is using a simple design in terms of scale, form, and material even with a small amount of ornamentation under the gables. While the actual interior floor height is 9', the exterior walls give the appearance of a 10' or 11' wall height to the eave.

- g. The roof of an outbuilding should be similar to the roof form of the principal structure. The pitch of a gable roof should typically be no less than 6:12.

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- h. A new garage or outbuilding should relate well to the principal structure in material. Brick, narrow lap siding or board and batten may be appropriate.
 - i. The new out building should not attempt to mimic the house or look like a barn or other non-original outbuilding.

The proposed carriage house would have a 12:12 roof pitch and narrow lap siding similar to the existing house.

- j. New outbuildings should use a window pattern, which follows that of the primary structure. Codes limiting window openings within 3' of the lot line and/or within 6' of other buildings must be satisfied.

The proposed carriage house includes paired double hung windows on the 2nd floor of the north, east, and south facades. The existing house primarily consists of elongated single double-hung windows with a set of paired windows on the front façade and on the south enclosed porch.

- k. Overhead panel doors or upward-acting doors may be used in a new outbuilding. Two car garages should have two single doors rather than a double-wide door to avoid a strong horizontal orientation.

The applicant is proposing use of two single overhead panel doors.

III. STAFF RECOMMENDATION

Staff recommends approval of the requested Certificate of Appropriateness for the window modification if the applicant can demonstrate to the satisfaction of the Commission that a frosted glass or other textured glass pane is not a viable option.

Staff recommends approval of the requested Certificate of Appropriateness for the carriage house subject to the following provisions:

1. Shifting the location of the entire structure to a point three-feet north of the south property line of the applicant's current parcel and within 10' east of the west property line.
2. Compliance with the building code and obtainment of all necessary permits for construction.

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CITY OF DES MOINES
HISTORIC PRESERVATION COMMISSION
MEETING SUMMARY

DATE: June 21, 2006
TIME: 5:30 P.M.
PLACE: City Council Chambers
City Hall, 400 Robert D. Ray Drive

COMMISSIONERS PRESENT: Mary Reavely (Vice Chair), Shirley Shaw, York Taenzer, Scotney Fenton, Sinde Berry, and Teresa Schneider.

COMMISSIONERS ABSENT: Susan Holderness (Chair), Elaine Estes, and Danelle Stamps.

STAFF PRESENT: Jason Van Essen, Senior City Planner

SUMMARY OF AGENDA ITEM #1

Request from James and Sandra Quilty for the following work at 814 17th Street located in the Sherman Hill Historic District. (20-2006-5.49)

- A) Replacement of a bathroom window with glass block on the north side of the house leaving existing window trim.
- B) Construction of a carriage house.

Vice Chair Mary Reavely read the description of the item from the agenda.

Jason Van Essen, Senior City Planner, provided background information orienting the Commission to the subject property. He then presented the staff report and recommendation for the requested window replacement.

Shirley Shaw asked if the window opening would stay the same size.

Mr. Van Essen stated it would and that the trim would remain as well. The only change would be that the glass portion of the window would consist of glass block.

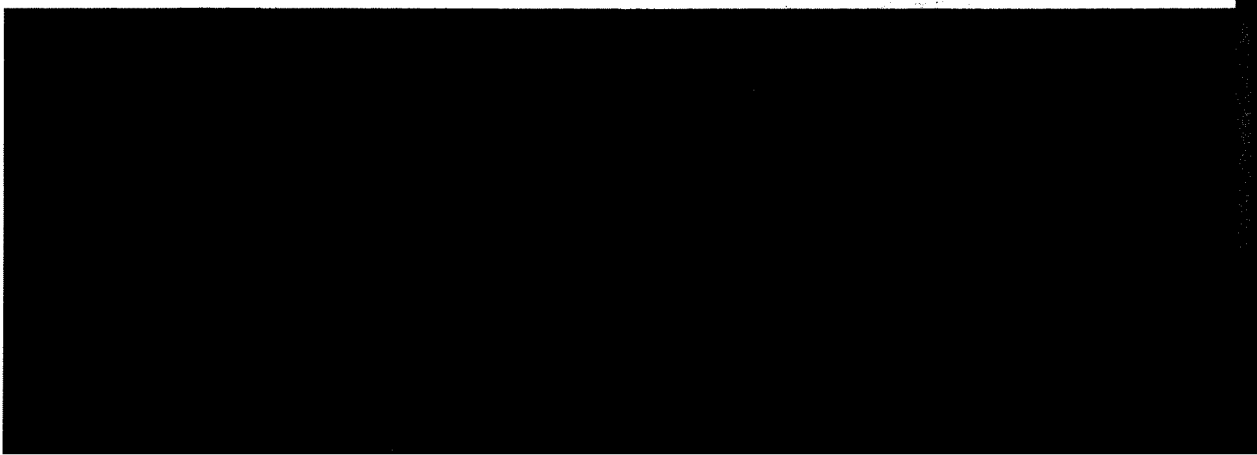
Vice Chair Reavely asked staff to clarify that the proposal included the removal of the sashes and not the construction of the glass block behind the double-hung window.

Mr. Van Essen stated that was correct.

Ms. Shaw asked if a stain glass window would work instead of the proposed glass block.

Mr. Van Essen deferred the discussion of alternatives to the applicant.

York Taenzer stated he has successfully used frosted glass in similar situations.



Vice Chair Reavely asked the applicant to address the Commission.

Jim Quilty introduced himself as the applicant and resident of 814 17th Street, Des Moines.

Mr. Quilty stated he understood the frosted glass comment and agreed that from a privacy standpoint it would work. But, because they are reconfiguring the bathroom so the space is more functional, the shower will be against the exterior wall and water will come in direct contact with the window. He further stated that his contractor believes that glass block is preferable to a frosted window due to moisture control.

Vice Chair Reavely stated the existing window is a part of the house's fabric and that its replacement is a concern. She asked if the installation of the glass block would make it impossible to reinstall the sashes if someone wanted to in the future. She also stated that she believes the key issue is if the window could be reinstalled and if the applicant would store the window in the basement for future use.

Mr. Quilty stated he was amenable to storing the sashes.

Mr. Taenzer asked the applicant if he was using a design professional or the contractor for design and material selection services.

Mr. Quilty stated the contractor is providing those services.

Mr. Taenzer stated the Commission's charge is to maintain the historic fabric of the districts to the extent possible. He asked the applicant if he had considered leaving the existing window and building up the interior of the wall to allow for the glass block to be install behind the existing window. Mr. Taenzer suggested that an architect or interior designer could help the applicant explore other alternatives.

Mr. Quilty stated they had explored other options including building out the wall and that it would make the bathroom remodel exponentially more expensive. He stated the project, as proposed, was going to cost a little over \$18,000.

Mr. Quilty stated his understanding of the purpose of reviewing windows, as it relates to preservation, is focus on what is visible from the street level. This is done to insure that you do not get a window that is historically inappropriate and visible. He also stated the adjoining apartment building blocks the view of the window unless you are on his property or the apartment property.

Vice Chair Reavely stated she had talked to State Historical Society of Iowa staff about visibility being a factor in making decisions. She also questioned them about the appropriateness of skylights that are clearly visible in comparison to the replacement of a window that is obscured from view. The explanation she received was that a skylight is not a part of the historic fabric of the house, were as an existing double-hung window is a part of the fabric.

Vice Chair Reavely further stated State staff suggested that if we approved Mr. Quilty's request that we doing it with the understanding that it was reversible and that the original window would be stored for future use by the applicant or by a future owner.

Teresa Schneider asked the applicant if he had intended to keep the storm window on the exterior.

Mr. Quilty stated he intended to follow the advice of his contractor taking into consideration both utility and cost. He stated he believes removing the storm is preferable but was agreeable to leaving it if the Commission preferred.

Mr. Taenzer stated a storm window would help conceal the glass block and that they should be able to get glass block of a dimension that will be flush with the flashing on the inside and work with the storm window with a vapor barrier in between.

Scotney Fenton stated from the pictures it looks like the storm window is more visible than the existing window.

Vice Chair Reavely asked for a motion.

No motion was offered.

Vice Chair Reavely made a motion to approve the requested window replacement subject to the bathroom window sashes being removed and stored for future use, and that a storm window be installed that matches the storm windows on the rest of the house.

Ms. Schneider seconded the motion.

ACTION OF THE COMMISSION (Part A - Bathroom Window):

Granting the application as presented subject to the conditions listed 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 permits and the completed work must comply with construction codes.

CONDITIONS:

- Existing bathroom window sashes are removed and stored for future use.
- Provision of storm window matching other storm windows on the house.

VOTE: A vote of 4-2-0 was registered as follows:

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

Mr. Van Essen stated he would now present the staff report and recommendation for the proposed carriage house.

Mr. Van Essen stated the proposed carriage house would have an impact on three parcels. He explained that the applicant currently owns a 50'-wide lot and that there is a 60'-wide vacant lot to the south owned by the property owner to its south. The owner to the south has a carriage house that was built partially on the 60'-wide vacant lot. Staff understands that the applicant has negotiated an agreement with the adjoining owner to purchase the northern 30' of the vacant lot.

Mr. Van Essen presented the site plan and building elevations submitted by the applicant.

Mr. Van Essen stated staff is concerned with the location of the carriage house, which is fully explained in the staff report. In summary, staff is concerned with how the proposed carriage house relates to the Sherman Hill Neighborhood Plan. The Commission generally focuses on the City's architectural guidelines for the local historic districts. However, when staff reviews cases they are reviewed holistically to ensure they meet the overall goals of the City. One of the goals of the Sherman Hill Neighborhood Plan is to preserve vacant lots that are buildable for house moves and infill construction.

Mr. Van Essen stated with regard to the design guidelines, staff is concerned with how the proposed carriage house will fit in with the rhythm of houses set towards the street on narrower lots. Staff believes the proposed carriage house would disrupt this rhythm and is not in keeping with this guideline. The vacant lot could be used for infill in the future, which would maintain the rhythm of the street. The subdivision of the vacant lot and the construction of the proposed carriage house would not maintain that rhythm.

Staff also believes the proposed location does not meet the guidelines that emphasizes the placement of new outbuildings where outbuildings would have been placed historically. One of these guidelines specifically references using Sanborn fire insurance rate maps to identify the location of outbuildings in the past and to use that information in positioning new outbuildings. This does not necessarily mean that new outbuildings should be placed exactly where they are shown on the maps but that they should be placed generally where they were historically, specifically in relationship to the property and the house.

Based on these factors staff recommends that the carriage house be built on the applicant's existing lot 3' north of the south property line and that it be moved closer to the alley. The applicant is proposing to set back the carriage house 20' from the alley, which is not in keeping with the historic pattern of outbuildings being built on the ally. Building new outbuildings as close as possible to the alley is one of the design guidelines for new outbuildings.

Vice Chair Reavely asked staff to show on the map where the carriage house would be located.

Mr. Van Essen oriented the Commission with the submitted site plan, identifying that the carriage house would be set back 20' from the 14'-wide alley. He further explained that for the applicant to meet vehicular maneuvering requirements the carriage house would only need to be 10' from the alley. He stated staff recommends that the carriage house be moved towards the alley to maintain the character of the neighborhood while still meeting modern maneuvering needs.

Mr. Van Essen stated since the staff report was distributed, the applicant has informed staff that the vacant lot to the south has a restrictive covenant that was put in place by a previous owner, which

prohibits the construction of living quarter or moving a house to the lot. He further stated he had consulted with Legal Department staff and has learned the covenant may not prohibit construction of a residence in the future depending on the circumstance.

Mr. Van Essen stated covenants of this type generally expire after 21 years and have to be renewed by the parties that put them in place. He further stated that depending on the circumstance, the party that placed the covenant on the parcel may no longer have standing and that the current property owner could release the covenant if they chose. Staff believes that the restrictive covenant may not be an issue.

Mr. Van Essen stated if you went back 20 to 30 years ago, people in Sherman Hill would probably tell you that the vacant lots in the neighborhood would never be built on or have houses moved to them. It is understandable why vacant lots are desirable for side yards. But, a long planning process has been gone through and for the benefit of the City as a whole, it is more important to have buildable lots redeveloped, filling out the neighborhood as it was. It's not unreasonable to believe that a future property owner would be willing to sell the lot for development even though the current property owners are not willing to sell it now.

Mr. Van Essen presented an aerial illustrating how the carriage house of the property owner to the south is built partially on the vacant lot. He stated using the aerial and GIS software, staff estimates that the carriage house extends 10' into the 60'-wide vacant lot leaving 50' of width that could be split into a buildable lot.

Inaudible question from a Commissioner.

Mr. Van Essen replied yes and no. If you split up the ownership of the lot between two owners the likely hood of the lot being built on is much less than if it was maintained as one parcel.

Inaudible statement from Mr. Taenzer.

Vice Chair Reavely asked staff to identify where on the currently displayed map where the carriage house is proposed to be located.

Mr. Van Essen identified the map as the 1901 Sanborn map and illustrated where the proposed carriage house would be located.

Vice Chair Reavely stated the proposed location appears to back up to a neighboring house that sits on the west side of the alley and would have a direct view of the garage door. She asked staff if this was correct.

Mr. Van Essen identified on the map where the carriage house would be located.

Vice Chair Reavely verified that staff's recommendation was to move the carriage house north and closer to the alley.

Mr. Taenzer stated typically carriage houses were located behind the house not off to the side and that he was not concerned if the carriage house was located near the south or north property line as long as it was located on the applicant's existing 50'-wide lot.

Ms. Shaw stated she believes that outbuildings should be located as close as possible the alley.

Mr. Quilty stated part of the reason they selected the proposed location is because there will be some symmetry between the proposed carriage house and the existing carriage house to the south, which extends past the neighbor's house into the vacant lot. He stated the other reason has to do with the functionality of the yard. He further stated if it was constructed on the lot we currently own, there would be minimal space between the house, the carriage house, and the portion of our yard that catches the most sun and is the most usable portion of our yard. These are the reasons we selected the proposed location.

He stated he had not had the luxury of visiting with the City attorneys, but that he had reviewed the vacant lot's abstract, including the language of the restrictive covenant and from his understanding of restrictive covenants as a lawyer they run with the land permanently. He further stated he knew that the party that placed the covenant, Ralph Gross, who lives across the street, is intent on enforcing the covenant.

Mr. Taenzer asked if the restrictive covenant included the prohibition of moving a single-family structure to the lot.

Mr. Quilty stated he spoke with Mr. Gross within the past couple of weeks and that his understanding of the restrictive covenant and Mr. Gross' intent is that he does not desire a single-family structure on the lot and would act to enforce the covenant against any residence. He further stated that he would not confirm that this is 100% Mr. Gross' position, because he just learned of the covenant when Mr. Gross told him about it recently.

Mr. Taenzer expressed his understanding Mr. Quilty not being aware of the restrictive covenant since he does not own the land.

Mr. Quilty confirmed that he did not own the northern 30' of the vacant lot, but had agreed to terms with the owner. He also stated he might not construct the carriage house if he had to build on his existing lot because it would not accomplish his goals.

Mr. Taenzer made a motion to approve the staff recommendation pertaining to the proposed carriage house.

Ms. Shaw seconded the motion.

ACTION OF THE COMMISSION (Part B - Carriage House):

Granting the application as presented subject to the condition listed 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 permits and the completed work must comply with construction codes.

CONDITION:

- Carriage house to be built on 50'-wide parcel currently owned by the applicant (814 17th Street) 3' north of the south property and 10' east of the west property line.

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

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

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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: 20-2006-5.49
	:	
JAMES & SANDRA QUILTY	:	
	:	
PROPERTY LOCATION:	:	MEETING DATE: June 21, 2006
	:	
814 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 for the following work at 814 17th Street located in the Sherman Hill Historic District.

- Replacement of a bathroom window with glass block on the north side of the house leaving existing window trim.
- Construction of a carriage house.

FINDING OF THE HISTORIC PRESERVATION COMMISSION (Bathroom Window):

Granting the application as presented subject to the conditions listed 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 permits and the completed work must comply with construction codes.**

CONDITIONS:

- Existing bathroom window sashes are removed and stored for future use.
- Provision of storm window matching other storm windows on the house.

VOTE: A vote of 4-2-0 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		

James & Sandra Quilty
814 17th Street
20-2006-5.49

-2-

June 21, 2006

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FINDING OF THE HISTORIC PRESERVATION COMMISSION (Carriage House):

Granting the application as presented subject to the conditions listed 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 permits and the completed work must comply with construction codes.**

CONDITION:

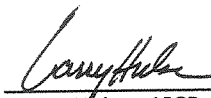
- Carriage house to be built on 50'-wide parcel currently owned by the applicant (814 17th Street) 3' north of the south property and 10' east of the west property line.

VOTE: A vote of 6-0-0 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