



Roll Call Number

Agenda Item Number

27

Date August 14, 2017

RESOLUTION SETTING DATE OF PUBLIC HEARING ON APPEAL FROM DECISION OF THE HISTORIC PRESERVATION COMMISSION.

WHEREAS, on July 19, 2016, Clifford C. Post filed an appeal from a July 10, 2017 decision of the Historic Preservation Commission denying in part, denying an application for certificate of appropriateness.

WHEREAS, Des Moines Municipal Code section 58-31(f) provides that upon filing an appeal from the Historic Preservation Commission, the Council shall set a time and place for a public hearing upon the appeal.

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

- 1. That the City Council consider the appeal at a public hearing to be held on August 28, 2017, at 5:00 p.m., in the Council Chambers.
2. That the City Clerk publish notice of the public hearing in the form attached as required by Iowa Code section 362.3.

APPROVED AS TO FORM:

Moved by _____ to adopt.

Thomas G. Fisher Jr.
Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MOORE, WESTERGAARD, and TOTAL.

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.

MOTION CARRIED APPROVED

Mayor

City Clerk

27

Clifford C Post
1815 Oakland Ave
Des Moines, IA 50314
July 19, 2017

CITY CLERK
DES MOINES, IA

2017 JUL 19 PM 2:21

FILED

Des Moines City Council
Des Moines, IA

Dear City Clerk,

On February 15, 2017, I was required to go to a meeting before the City of Des Moines Historic Preservation Committee regarding 2 sheds that I have on my property.

I told them that the one shed in question had been on the property for over 5 years, at which time they put the matter on hold so they could do some research to be sure that I was not lying and the shed had in fact been on the property for at least 5 years. At that time, the matter was postponed until March.

In March 'they' called me and told me that they had checked into the Des Moines' criteria regarding sheds and there are not any actual criteria in place, so they had put out feelers in other Historical Areas to inquire of their criteria. At that point they had gotten no response from them, so they wanted to continue the matter in the April session.

In April, 'they' called with the same message, and then again in May.

Finally, my presence was 'requested' at the June 21 meeting.

At that time, it was said that there were no criteria regarding sheds, but it was the Committees opinion that the shed did not fit any of the criteria *they* thought should be observed.

- Should have Lap Board Siding
- An Asphalt Shingle roof
- Should bear resemblance to the other buildings (house) on the property

There are numerous other sheds in this neighborhood [4 of them just on Oakland] that are exactly like or very like my shed, and those can remain for various reason.

During the same meeting on the 21 of June, Item 12 on the agenda was a request for the retention of a prefabricated plastic shed, which was allowed right after my request was denied.

I bought this property in November of 1993, long before it was named a historical area, and was forced to tear down the Garage that was on the property to procure financing on this house. Had

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I been aware that this area would eventually become a historical area, I would have looked elsewhere for housing.

However, I did buy this house and I have paid the mortgage payment for the better part of a ¼ of a century.

When I bought this house, there was a metal shed like the one we have now, but it was in very poor condition. Due to the area we currently reside in, the pad lock had been cut and our lawn mower and snow blower were both stolen. Over the years of being broken into and abused, for a lack of a better word, the old shed was broken, dented and coming apart at the seams, so eventually we had to get rid of that shed.

I pad locked my lawnmower to a wrought iron railing, again the lock and chain were cut and the lawn mower stolen, so I bought the shed to protect the equipment and such from the weather as well as vandals and thieves.

I knew that “changes to the exterior of the property (House, garage or fencing) will need to through the historical preservation commission.” But for God’s Sake, this is a shed! And might I add, a shed that in Committees own words, there is not even any criteria or restrictions listed on what it should or should not be!

Here again, I bought the shed. I paid for it and I paid another \$400 to move it from where it was located to my back yard. The shed is now functional and useful. It is not torn up nor an eye sore. It is like 100 other sheds in this neighborhood.

Yet it seems as though I don’t even own my property, I am merely renting it from the River Bend Historical Committee and they have the right to tell me what I can or cannot do on my own property. I can understand this to a certain point, but I feel that they far over reach their authority.

The shed in question is in the back of the property and is not easily seen from the road. It is essential in maintaining the property as it is where I keep my Lawn maintenance equipment. It also is not fastened down and though it would not be an easy task, it could be picked up and moved, so it is not a permanent structure, therefore, in the words of the committee not subject to their criteria of a structure.

Jason’s recommendation is to construct a Garage on the property to ‘store items currently stored in the shed’.

I researched building a garage where the shed is now and it will cost me between \$26-55,000. I realize (as it was stated in the first meeting that I attended) that the financial hardship of the

homeowner is not to come into consideration, however, quite frankly, if I had 50,000 dollars to throw out the window, I would gladly use it to put a down payment on a home outside of this historical area.

Jason also suggested that we apply for a forgivable loan to build a garage. That is well and good, however a forgivable loan would possibly cover \$10,000. That is not even ½ of the cost of the garage and being disabled and on a fixed income, it is all I can do to keep my mortgage and utilities paid, much less come up with almost \$20,000 for a garage.

Considering that erecting a garage is not a feasible option, I also checked into the possibility of purchasing a different type of shed. One that would come closer to meeting the guidelines given to me by Jason, and a) I cannot find one anywhere that meets all the things mentioned in his letter, and b) The few that I have looked at that come close to meeting the guidelines are so astronomically expensive that I might as well build a garage.

I do not understand what the problem is with this shed. It does not look like the house and it is not historic, but it is a shed! It has a purpose and is serving its purpose. It is not causing any harm, nor is it offensive to anyone except the Historical Committee.

I also do not know what Jason van Essen has against me, nor why, but it was more than obvious that he was trying to sway the committee. When they said that there were no guidelines for sheds in historic areas he volunteered his staff to write guidelines regarding sheds which they declined.

During this whole process, I have talked to numerous people, and none of them can understand why this is even an issue, much less a valid issue.

I feel that I have been singled out and unfairly treated. I realize that they should have certain guidelines in place and are responsible for enforcing them, but I feel as though they are attempting to throw their weight around and egregiously abusing their authority.

On this block alone, there are neighbors that do not even attempt to keep up their property. There is trash piled on picnic tables, bricks piled up beside the houses, there are lawns that rarely get mowed, there is at least one garage that was condemned at least 20 years ago and is still standing. There is an occupied apartment that has had the window kicked out and now has paneling nailed over the top of it. Fences in ill repair with gates falling off. I am not a member of the committee, but it seems to me that some of these atrocities should be of more concern than a solid shed that is barely visible from the road.

I am not attempting to be difficult nor argumentative here, but I do feel that I am being singled out and made an example of, when there is clearly no provocation.

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I keep to myself, in my own house. I do not go out and try to find things in the neighborhood to whine and moan about, and I take care of my yard. It is one of the most well-kept yards in the neighborhood. However, to keep it that way, I need the shed to keep the lawn equipment and tools put away and out of sight.

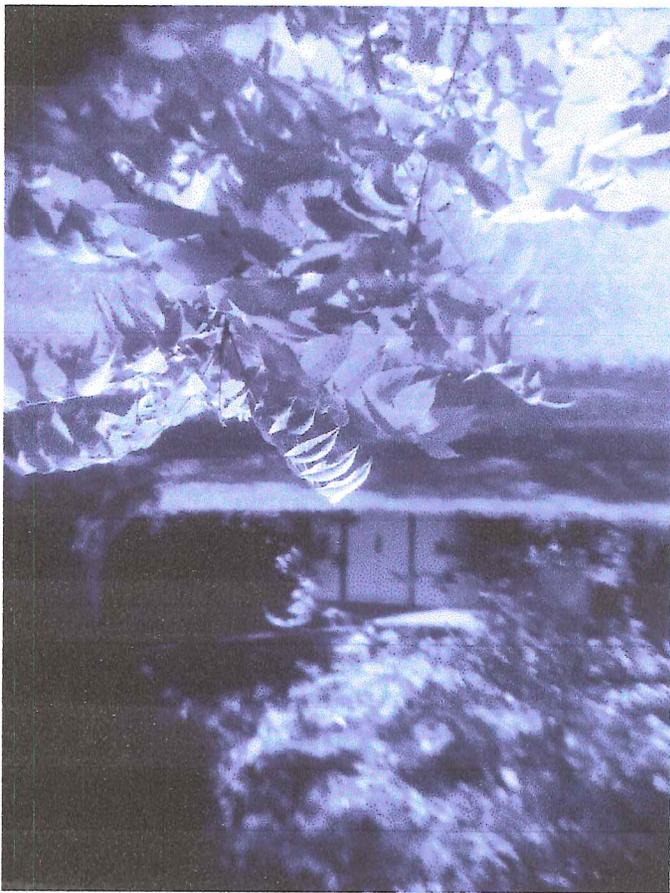
Sincerely,

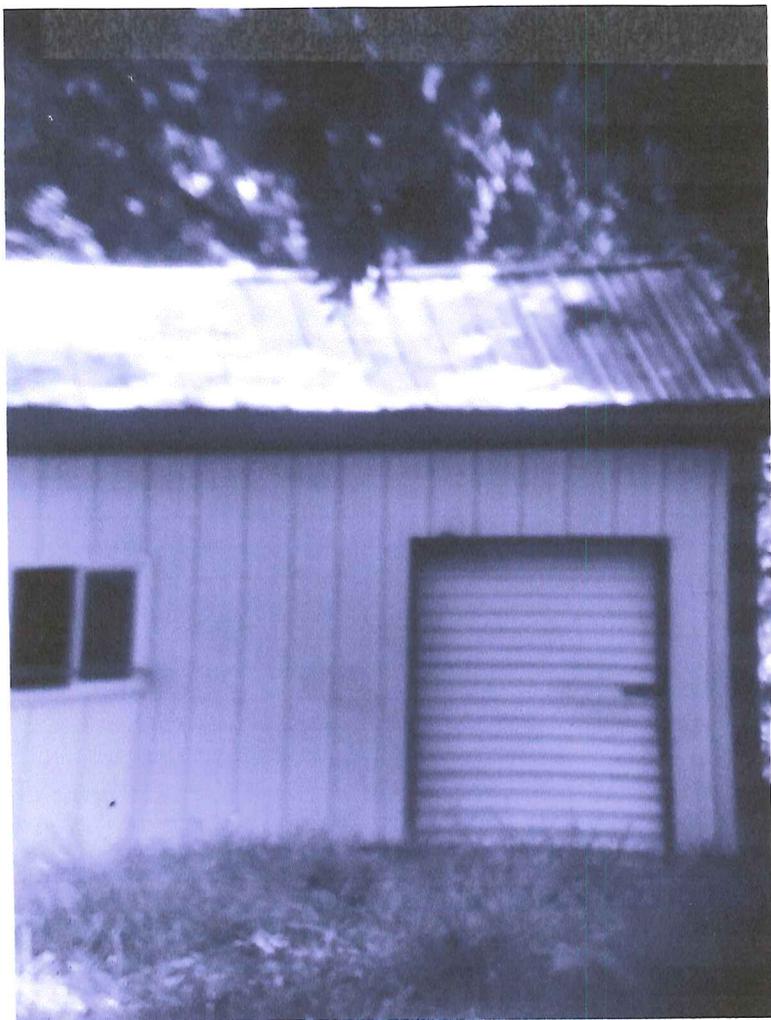
Clifford C Post
Owner 1815 Oakland Ave. Des Moines, IA 50314

1720 Oakland



1721 Oakland





1617 Oakland



SW corner of College + Oakland