



Date October 23, 2023

**RESOLUTION HOLDING HEARING ON REQUEST FROM RIVA WALTERS  
APPEALING A CONDITIONAL APPROVAL OF CERTIFICATE OF APPROPRIATENESS TO  
ALLOW CONSTRUCTION OF A FENCE IN THE FRONT YARD OF 685 20<sup>TH</sup> STREET**

**WHEREAS**, Riva Walters, owner of real property locally known as 685 20<sup>th</sup> Street (the “Property”), has made application for a Certificate of Appropriateness to install a new black ornamental fence in the front yard; and

**WHEREAS**, on August 16, 2023, after notice, the Historic Preservation Commission (“HPC”) considered said request and issued a decision granting approval of a certificate of appropriateness for the proposed fencing, subject the following conditions: (1) The fence shall be set back from the front property line and align with the gate at the top of the front walkway steps, and (2) compliance with all applicable Building Codes and the fence shall be constructed in accordance with a fence permit as issued by the Permit and Development Center; and

**WHEREAS**, on September 20, 2023, Jennifer De Kock, legal counsel for Riva Walters, filed a written appeal with the City Clerk on behalf of her client, Riva Walters; and

**WHEREAS**, on October 2, 2023, by Roll Call No. 23-1378, the City Council extended the appeal deadline for this item and recognized legal counsel’s submitted appeal as timely; and

**WHEREAS**, Des Moines Municipal Code Section 58-62(f) provides that the recommendation of the Historic Preservation Commission is to be heard and considered in a public hearing before the City Council, to be set upon reasonable notice and with the opportunity for those interested both for and against to be heard; and

**WHEREAS**, on October 2, 2023, by Roll call number 23-1379 it was duly resolved by the City Council that the request for approval of the Certificate of Appropriateness be set down for hearing on October 23, 2023, at 5:00 p.m., in the Council Chambers; and

**WHEREAS**, due notice of said hearing was published in the Des Moines Register, as provided by law, setting forth the time and place for hearing on said proposed Certificate of Appropriateness; and

**WHEREAS**, in accordance with said notice, those interested in said proposed 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.

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



Date October 23, 2023

ALTERNATIVE RESOLUTIONS

- A. The proposed Certificate of Appropriateness is hereby approved, subject to the following conditions: (1) The fence shall be set back from the front property line and align with the gate at the top of the front walkway steps, and (2) compliance with all applicable Building Codes and the fence shall be constructed in accordance with a fence permit as issued by the Permit and Development Center.
- B. The proposed Certificate of Appropriateness is hereby approved, subject to the following condition: (1) compliance with all applicable Building Codes and the fence shall be constructed in accordance with a fence permit as issued by the Permit and Development Center.

(Council Communication No. 23-479)

Moved by \_\_\_\_\_ to adopt alternative \_\_\_\_\_ above.

Second by \_\_\_\_\_.

APPROVED AS TO FORM:

/s/ Lisa A. Wieland  
 Lisa A. Wieland  
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				

CERTIFICATE

I, LAURA BAUMGARTNER, 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

**CITY OF DES MOINES HISTORIC PRESERVATION COMMISSION**  
**STAFF REPORT AND RECOMMENDATION**  
 Wednesday, August 16, 2023

**AGENDA ITEM #5**

**CAHP-2023-000071**

**Applicant:** Riva Walters (owner).

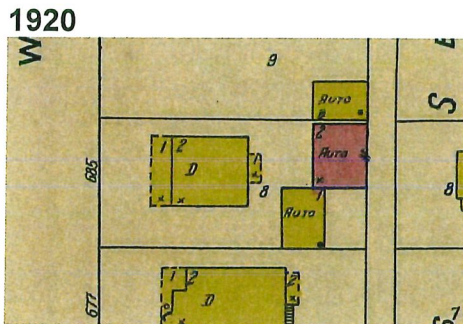
**Location:** 685 20<sup>th</sup> Street (Sherman Hill Local Historic District).

**Requested Actions:** Install a new three-foot-tall black ornamental fence and gate in the front yard.

**I. GENERAL INFORMATION**

**1. Site Description:** The subject property measures 60 feet by 125 feet and contains a 2-story house and an outbuilding that were constructed circa 1906 according to the Polk County Assessor webpage.

**1. Sanborn Maps:**



**2. Relevant COA History:** On August 17, 2005, the Commission approved COA 20-2006-5.10 allowing replacement of the wood double sliding carriage house doors on the garage with one steel, smooth panel overhead door, and to construct a front retaining wall replacing concrete with either concrete or concrete block and cap.

On June 15, 2016, the Commission approved COA 20-2016-5.37 allowing the construction of a wood privacy fence in the rear yard.

On November 15, 2017, the Commission conditionally approved COA 20-2018-5.17 to allow installation of two basement egress windows and wells on the south façade provided the wells are brick, concrete or wood and reviewed and approved by staff.

On December 21, 2022, the Commission approved part of COA CAHP-2022-000114 to allow retention of a recently poured driveway, brick retaining wall, an 18-inch driveway approach widening, and construction of a 6-foot-tall black ornamental fence and gate around the side and rear yards and driveway. In that same

application, the Commission denied the location of a proposed 3-foot-tall ornamental fence and get in the front yard.

## II. APPLICABLE DESIGN GUIDELINES

### 1. Fence Design Guidelines:

- a. Four to six feet in height is typical for long stretches of land.
- b. Two to three feet in height is appropriate for smaller areas. Guardrails from widow's walks have been used as front yard fences.
- c. Small wire fences with rounded top edges were typically used with smaller houses.
- d. Members of these fences should be of substantial thickness (not thin).
- e. Simple designs should be used with simplistic houses and more elaborate designs should be used for more elaborate houses. Catalogs can be found through iron manufacturers
- f. Metal fences usually come in four to ten-foot segments that are to be attached to metal posts or masonry pillars.
- g. The rear yard fence, both open and solid, should be a maximum of six feet in height.
- h. The fence should step along a grade change at intervals set by the length between posts (rather than at variable lengths or with a continuously straight top edge).
- i. The post and rail side should be facing the homeowner's yard while the picket side should face the street, neighbor or alley.
- j. Posts are typically built with four equal sides with a base and a cap and are slightly taller than the pickets. Six-to-12-inch squares are common for a prominent post. The minimum width should be the height of the post in feet translated to the equivalent width in inches, e.g., if the post is four feet tall, the width should be at least four inches wide.
- k. Pickets should be 3/4 to one inch thick and one to six inches wide (if wider pickets are used, a pattern should be cut into the center of the boards to minimize the wide appearance).
- l. Most fences are made of three elements: post, rail and picket. The rail is typically the only horizontal element. The rails should be placed between or on the back side of the posts not the front.
- m. The tops of most pickets should be cut to some design. "Dog-eared" fences are acceptable in rear yards only.
- n. The spacing between posts should be approximately 4 to 14 feet, depending on the design.
- o. Posts are a very important visual part of a fence and should not be hidden by the pickets.
- p. When privacy is a concern, the boards may be spaced closer together, however, it is encouraged to keep the height of the fence as low as possible and to provide at least the thickness of a board (3/4 to one inch) between the pickets.

*The applicant is proposing to install a three-foot-tall black ornamental fence around the front yard of the home. The requested location is identical to the proposed location in the December 2022 COA application that was denied by the Commission. Per the meeting conversation, the Commission indicated that generally there was not an issue with the desire and design of a front yard fence, but did find that the location of the fence against the existing retaining wall created an imposing and overly large design at the sidewalk.*

*In the time since the December meeting, staff and the applicant worked to consider alternative designs for the fencing to meet the safety and security needs of the applicant, and meet the design guidelines of the district. Staff proposed setting the fence back from the retaining wall to run flush with the proposed gate at the top of the stairs. According to the site sketch, this would set the fence behind the existing landscaping and retaining wall approximately four feet from the sidewalk. However, the applicant has ultimately requested a return to the Commission to reconsider the original location.*

*As the applicant has not provided substantive reasons (such as proximity to underground utilities, discovery of easements or restrictive covenants, or other code requirements that require specific fencing locations) as to why the fencing must be in this location, staff must recommend denial of the proposed location. However, staff does recommend approval of the fence subject to the condition that the fence is set back four feet to be flush with the proposed gate at the top of the steps, as this proposed design would provide that compromise between the needs of the applicant and the requirements of the design guidelines.*

### **III. STAFF RECOMMENDATION**

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

1. The fence is set back the appropriate distance to be flush with the gate at the top of the steps.
2. Compliance with any necessary codes and obtainment of a fence permit.

# Des Moines Webmap



Condo Parcel  
 Parcels  
 Property Owner

Description	<p>1:500 Webmap Scale</p>	Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere Projection: Mercator Auxiliary Sphere Datum: WGS 1984 False Easting: 0.0000 False Northing: 0.0000 Central Meridian: 0.0000 Standard Parallel 1: 0.0000 Auxiliary Sphere Type: 0.0000 Units: Meter	Author: Author  Date: 12/16/2022 Time: 5:23:04 PM
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Disclaimer: This map is approximate and may not be complete. City assumes no liability for accuracy. Consult sources listed to verify information. Sources: City of Des Moines

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CITY OF DES MOINES  
HISTORIC PRESERVATION COMMISSION  
MEETING SUMMARY

DATE: August 16, 2023  
TIME: 5:30 P.M.  
PLACE: Board Room, 2<sup>nd</sup> Floor  
Municipal Service Center  
1551 East M.L. King, Jr. Parkway

COMMISSIONERS PRESENT: Barry, Fenton, Herlocker, Hildebrand, Shaw, and Taenzer.

COMMISSIONERS ABSENT: Bye, Green, Nelson, and Schmid.

STAFF PRESENT: Jason Van Essen, Stacey Hanley, and Jacob Couppee

### **DISCUSSION SUMMARY OF AGENDA ITEM #5**

Request from Riva Walters (owner) to install a new black ornamental fence in the front yard at 685 20th Street in the Sherman Hill Local Historic District. (CAHP-2023-000071)

Chair Taenzer: Read the agenda description for item #5.

Jacob Couppee: Displayed an aerial map and photographs of the property. Presented the staff report and staff recommendation.

Chair Taenzer: Asked if the fence will be 3 or 4-foot tall.

Jacob Couppee: stated 3-foot tall.

Applicant Riva Walters: stated on the south side of the front property line, the retaining wall is 42-inches tall, and the north side is 26-inches tall. If the fence was pushed back 3-feet, she would have to stand on top of the retaining wall to do yard work. Riva presented a video recording to the commission.

Chair Taenzer: Asked if there were any additional questions for the applicant.

Riva Walters: noted she owns a pitbull and city code requires a fence in the front yard when you own such breed.

*No additional questions were asked.*

Chair Taenzer: Asked if there was anyone in the audience that wished to speak on the item.

*No members of the public came forward to speak.*

Evan Herlocker: stated the fence would be too imposing if it sat right behind the retaining wall. It might look more appealing if the fence was incorporated into the retaining wall.

York Taenzer: stated he believes the fence will look more attractive if it aligns with the existing gate.

Barry: Moved approval of the requested Certificate of Appropriateness subject to the following conditions:

1. The fence is set back the appropriate distance to be flush with the gate at the top of the steps.
2. Compliance with any necessary codes and obtainment of a fence permit.

Hildebrand: Seconded the motion.

VOTE: A vote of 6-1 was registered as follows:

	Aye	Nay	Abstain	Absent
Allison		X		
Barry	X			
Bye				X
Green				X
Fenton	X			
Herlocker	X			
Hildebrand	X			
Nelson				X
Schmid				X
Shaw	X			
Taenzer	X			

**ACTION OF THE COMMISSION:**

**DECISION**

**FINDING OF THE HISTORIC PRESERVATION COMMISSION:**

Granting the application subject to conditions 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.

**CONDITIONS:**

1. The fence shall be set back from the front property line and align with the gate at the top of the front walkway steps.
2. Compliance with all applicable Building Codes and the fence shall be constructed in accordance with a fence permit as issued by the Permit and Development Center.



23-1379



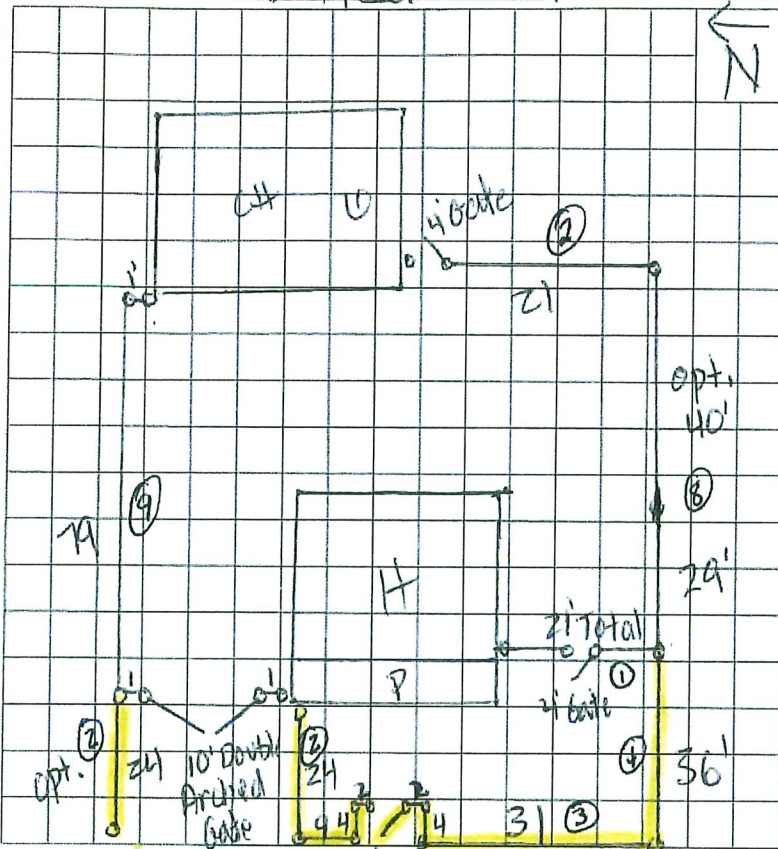
Example fence design.

DES MOINES STEEL FENCE  
 2045 NE 46TH AVE., SUITE A  
 DES MOINES, IA 50313  
 FAX 515 270-2462  
 515/270-6227



10/12  
 Everything from Chain Link to Wood  
 Craftsmanship at its finest!  
 Expert Installations  
 www.dsmfence.com

NAME: Riva Walters PHONE: 540-557-7541 DATE: 10/11/22  
 STREET: 685-20th St MAILING ADDRESS: riva.walters02@gmail.com  
 CITY, STATE, ZIP CODE: DM, Ia, 50314 CITY: \_\_\_\_\_ STATE: \_\_\_\_\_



112' of 3' high with 1-5' wide gate and 149' of 6' high with 2-4' wide gates and 1-10' wide double arched top gate of 3 rail Black Montage Classic Steel fence. All posts are set in concrete.  
 Installed \$19,100.00  
 for optional 24' of 3' high Add \$1,070.00  
 for optional 40' of 6' high Add \$2,020.00  
 for core drilled holes Add \$35.00 each  
 50% Down Payment & Customer Information Packet Required

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs, will be executed only upon written or oral orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

- Payment in full due upon completion of work. 1.5% monthly interest (18% APR) will be charged on all past due accounts over 30 days
- Reasonable collection and attorney fees will be assessed on all accounts placed for collection.
- Mastercard, Visa and Discover accepted.
- Customer will be responsible for any restocking fees or permit costs incurred if job is cancelled prior to installation.
- No materials accepted for return without prior authorization
- Trees, bushes, and fence line need to be cleared by the customer prior to installation.
- Customer is responsible for compliance with any local or neighborhood covenants.

**★ IMPORTANT ★**  
**CUSTOMER IS COMPLETELY RESPONSIBLE FOR EXACT LOCATION OF PROPERTY PINS, PROPERTY LINES AND FENCE LOCATIONS. (TO BE DONE PRIOR TO INSTALLATION)**

- SPRINKLER Yes  No
  - PROPERTY PINS VISIBLE Yes  No
  - All discrepancies must be reported within 30 days.
  - NOTE: This proposal may be withdrawn by us if not accepted within 7 days.
  - All sales taxes included in quoted prices
- Authorized Signature: Mark Ross

We use "One Call" to locate main incoming original utilities. All other underground cables MUST be located by customer prior to installation, ex., power to garage. Des Moines Steel Fence Co., Inc. is not responsible for damages to said utilities that are not marked. Sprinkler systems must be located by customer. Des Moines Steel Fence Co., Inc. is not responsible for damage to sprinkler system whether marked or unmarked. Fence lines must be cleared of all debris prior to installation. Underground utilities may change final location of fence to be installed.

You are hereby authorized to furnish and install the above described fencing at the prices and upon the terms and conditions specified hereon. I (we) accept full responsibility for the location of all property lines, and I (we) hereby consent to Company's entry upon the property where the fencing is to be installed and to Company's removal of said fence, without notice, if the contract price is not paid in full when due. I (we) hereby warrant that I (we) are in and are entitled to possession of the property where the fence is to be installed, and I (we) hereby agree to indemnify Company and hold it harmless for any damages to said property because of the removal of said fences as aforesaid. I (we) understand that all the terms and conditions set forth hereon are subject to acts of God, governmental action, strikes, labor disturbances, fires, additional taxes, floods, earthquakes, inability to obtain the materials described hereon, partial or total interruptions, loss or shortage of producing, manufacturing or transportation facilities, or any other cause beyond Company's control whether or not similar to any of the causes specifically enumerated, and if performance in whole or in part is prevented or hindered, or cost is abnormally increased as a result thereof Company shall not be liable for any losses, damages or delays occasioned thereby, and performance hereunder shall be excused without liability on Company's part. I (we) further understand that this order constitutes the entire agreement between the parties in reference to the materials described hereon.

Signature: Riva Walters Date: 10/25/22

December 2022 Site Visit image



July 13 Site Visit

23-1379



July 13 Site Visit



23-1379

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.

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REQUEST FROM: : CASE NUMBER: **CAHP-2023-000071**  
: :  
**RIVA WALTERS** : :  
: :  
PROPERTY LOCATION: : MEETING DATE: **AUGUST 16, 2023**  
: :  
**685 20<sup>TH</sup> STREET** : :

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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.

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SUBJECT OF THE REQUEST:

Install a new black ornamental fence in the front yard.

FINDING OF THE HISTORIC PRESERVATION COMMISSION:

Granting the application subject to conditions 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.

CONDITIONS:

1. The fence shall be set back from the front property line and align with the gate at the top of the front walkway steps.
2. Compliance with all applicable Building Codes and the fence shall be constructed in accordance with a fence permit as issued by the Permit and Development Center.

VOTE: A vote of 6-1 was registered as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Allison		X		
Barry	X			
Bye				X
Green				X
Fenton	X			
Herlocker	X			
Hildebrand	X			
Nelson				X
Schmid				X
Shaw	X			
Taenzer	X			

Approved as to form:



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Stacey Hanley, AIA, PLA, LEED AP  
Urban Designer



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Jason Van Essen, AICP  
Planning & Urban Design Administrator