

ITEM #:	34
DATE:	07-28-26
DEPT:	P&H

COUNCIL ACTION FORM

SUBJECT: APPEAL OF CONDITIONS OF APPROVAL FOR A CERTIFICATE OF APPROPRIATENESS FOR 904 KELLOGG AVENUE

BACKGROUND:

The property owner at 904 Kellogg Avenue installed two mini split air source heat pump systems with external supply lines in 2025. **Staff received a complaint about 904 Kellogg Avenue in spring 2026 that the property underwent alterations for mini split systems without the necessary approval from the Historic Preservation Commission.**

Staff issued a Notice of Violation on April 9 to the owners indicating that a Certificate of Appropriateness (COA) was required and the system was subject to City Historic Review Standards of Chapter 31 of the Ames Municipal Code. **Staff determined that the external supply lines constituted an alteration within the meaning of Chapter 31 and a COA was required.**

The owner subsequently applied for a COA to allow the installation of two ground-mounted heat pump systems with supply lines that run along the north and south sides of the property located at 904 Kellogg Avenue to approve as-is. **The original application and detailed HPC report are attached.** The applicant did not attend the meeting to discuss their situation and relied upon their written application to the HPC.

The Historic Preservation Commission reviewed the application on May 11, 2026 and approved the application with the following conditions:

1. All PVC pipes are painted to match the house.
2. A portion of the pipes on the north side are exposed. Modify the exposed pipe so they are encased, discreet, and blend with the structure in color **(This is the conditioned that is being appealed).**
3. All conditions are met within 4 months of approval. A 30-day extension may be granted by staff due to unforeseen circumstances.

The owner subsequently appealed the decision of the HPC within 30 days of the approval. A stay on the approval has since occurred. **The owner contends that it is not practicable to implement Condition #2 related to the exposed supply line pipes** (See attached appeal information and contractor email. Note this is new information not provided to the HPC).

APPEAL PROCESS:

Section 31.16 of the Municipal Code related to appeals states:

"Any person aggrieved by or adversely affected by a decision of the Commission may, within thirty (30) days of that decision, appeal the Commission's actions to the City Council. The Council shall determine whether the commission exercised its powers in accordance with the applicable laws and ordinances, and whether the commission's action was patently arbitrary".

Exterior alterations of a property located in the Old Town Historic District are required to receive a Certificate of Appropriateness. Chapter 31 does not have guidelines that directly speak to the installation of mini split systems as they are a relatively new phenomenon.

The HPC applied the general alteration criteria to the request. When Chapter 31 does not provide specific criteria, the Secretary of Interior's Standards for Rehabilitation and the Design Guidelines for Alterations are used to make a determination. **The Commission determined that the design of the system as routed along the walls with no concealment and blending of color into the house made it incompatible with the historic character of the home.**

In consultation with the City Attorney, the appeal review standard is not a "de novo" hearing, meaning it is not a fresh review of the application. **The Council is charged with deciding if the HPC acted patently arbitrary in its application of the Chapter 31 standards for the subject application based upon the information included in the application and the review at the May 11 meeting. Since the time of the May 11 meeting, the applicant provided an additional opinion that the conditions would be difficult to meet and does not want to comply with the requirements.**

The City's alteration criteria are focused on maintaining historic character consistent with the Secretary of the Interior's Standards for Rehabilitation. The attached HPC report details the standards. **The owner's appeal focuses on their concerns of compliance and do not address how the proposal is consistent with any of the historic standards that apply to alterations.**

The HPC utilized the Secretary's standards and applied them in a reasonable manner consistent with the guidance for Rehabilitation, including consideration of economic and technical feasibility based upon the information provided, and determined that the system could be approved, but the overall conditions were necessary to approve the application.

ALTERNATIVES:

1. Approve a Resolution to deny the appeal of the conditions of approval for a Certificate of Appropriateness for 904 Kellogg Avenue by finding the HPC acted consistent with the standards of Chapter 31.
2. Move to remand the application to the HPC to consider new information from the appellant for the project at 904 Kellogg Avenue.
3. Adopt a Resolution approving the appeal of the conditions of approval for a Certificate of Appropriateness for 904 Kellogg Avenue by finding the HPC determination was arbitrary in relation to the standards of Chapter 31.

CITY MANAGER'S RECOMMENDED ACTION:

The overall review process for alterations is designed to protect the integrity of the historic resources of the historic district. Alterations are intended to be reviewed before an owner undertakes a project to ensure that appropriate treatments and standards are applied to the project to ensure consistency with these standards.

Based upon the May 11 proceedings, staff believes the HPC applied the correct review criteria for the alterations and applied the criteria reasonably to the situation based upon the information that was presented. Therefore, the City Manager recommends the City Council approve Alternative No. 1 upholding the HPC conditions of approval for the mini split system and deny the appeal.

The appellant's recent assertions regarding the design and its practicality for being encased were not considered by the HPC and are not directly relevant to the appeal standard. Staff does not know if the applicant had presented this type of information initially, whether the HPC would have considered different conditions of approval. **If City Council believes the appellant has significant new information from a contractor that should be considered for the project, the City Council could remand the application to the HPC to review with Alternative No. 2.**

ATTACHMENT(S):

[May 11th HPC Material 904 Kellogg Avenue
Appeal and Contractor's Statement.pdf](#)