

## ORDINANCE

### **AN ORDINANCE DENYING A CERTIFICATE OF APPROPRIATENESS TO BUILD TWO DORMER ADDITIONS AND TWO SKYLIGHTS AT 312 NORTH EAST AVENUE LOCATED WITHIN THE FRANK LLOYD WRIGHT-PRAIRIE SCHOOL OF ARCHITECTURE HISTORIC DISTRICT**

**WHEREAS**, the Village of Oak Park (“Village”) is a home rule unit of government pursuant to Article VII, Section 6(a) of the Illinois Constitution; and

**WHEREAS**, pursuant to its home rule authority, the Village may exercise any power and perform any function pertaining to its government and affairs, including affirming, reversing, or modifying a Certificate of Appropriateness denial made by the Historic Preservation Commission pursuant to Chapter 7 (“Building Regulations”), Article 9 (“Historic Preservation”) of the Oak Park Village Code and Division 48.2 (“Preservation of Historical and Other Special Areas”) of the Illinois Municipal Code, 65 ILCS 5/11-48.2-1 *et seq.*; and

**WHEREAS**, on March 8, 2023, Lucia Marker-Moore and Brad Bare (hereinafter collectively referred to as the “Applicant”) filed an application for a Certificate of Appropriateness seeking approval to build two dormer additions and add two skylights within the Frank Lloyd Wright-Prairie School of Architecture Historic District located at 312 North East Avenue (“Subject Property”); and

**WHEREAS**, on March 15, 2023, the Village of Oak Park Historic Preservation Commission (“Commission”) reviewed the Applicant’s application and determined it did not meet the Historic Preservation Commission’s Architectural Review Guidelines and took no action on the application per Section 7-9-12(F) of the Village of Oak Park Village Code (“Village Code”); and

**WHEREAS**, on March 28, 2023, the Applicant requested a public hearing before the Commission on its application and on April 25, 2023, a notice was published in *The Wednesday Journal*, a newspaper of general circulation in the Village of Oak Park (“Village”) providing notice of the public hearing, and letters were mailed by regular on April 25, 2023, to owners of property within two hundred and fifty feet (250’) of the Subject Property advising them of the application and the public hearing; and

**WHEREAS**, pursuant to proper notice, and by agreement of the Applicant, the Commission conducted a public hearing on the application on May 11, 2023, at which time and place a quorum of the Commission was present; and

**WHEREAS**, at the public hearing all persons testifying were sworn and provided testimony and evidence under oath, the Applicant presented evidence and testimony in favor of the application, no members of the public presented oral testimony supporting or opposing the application, and the Commission received no written comments supporting or opposing the application; and

**WHEREAS**, at the conclusion of the public hearing, the Commission considered all evidence and testimony submitted on the application, deliberated on the application and voted that the proposed project does not meet the Architectural Review Guidelines and that the application of a Certificate of Appropriateness to build two dormer additions and two skylights be denied by a vote of 6-1 of the commissioners then present; and

**WHEREAS**, on May 11, 2023, the Commission adopted a resolution entitled “Resolution Of The Village Of Oak Park Historic Preservation Commission Denying A Certificate Of Appropriateness at 312 North East Avenue, Oak Park, Illinois” denying the Certificate of Appropriateness application; and

**WHEREAS**, the President and Board of Trustees has determined to deny the Applicant’s appeal and concur with the Commission’s denial of the Certificate of Appropriateness.

**NOW THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Oak Park, Cook County, Illinois, in the exercise of their home rule powers, as follows:

**Section 1. Recitals Incorporated.** The above recitals are incorporated herein as though fully set forth.

**Section 2. Adoption of Resolution/Findings of Fact Regarding the Application for a Certificate of Appropriateness.** The Resolution/Findings of Fact of the Historic Preservation Commission with regard to the application for a Certificate of Appropriateness, together with all reports and exhibits submitted at the public hearing referenced above, are hereby incorporated by reference herein and are approved, subject to the conditions set forth herein.

**Section 3. Denial of a Certificate of Appropriateness.** The Applicant’s appeal for the issuance of a certificate of appropriateness is denied and a certificate of appropriateness shall not be issued on the application.

**Section 4. Severability and Repeal of Inconsistent Ordinances.** If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 5. Effective Date.** This Ordinance shall be in full force and effect after its approval, passage and publication as provided by law.

**[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]**

**ADOPTED** this 18<sup>th</sup> day of September, 2023, pursuant to a roll call vote as follows:

Voting	Aye	Nay	Abstain	Absent
President Scaman				
Trustee Buchanan				
Trustee Enyia				
Trustee Parakkat				
Trustee Robinson				
Trustee Straw				
Trustee Wesley				

**APPROVED** this 18<sup>th</sup> day of September, 2023.

\_\_\_\_\_  
Vicki Scaman, President

**ATTEST**

\_\_\_\_\_  
Christina M. Waters, Village Clerk

Published in pamphlet form this 18<sup>th</sup> day of September, 2023.

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Christina M. Waters, Village Clerk