

From: [Lucia Marker-Moore](#)
To: [Trexler, Susan](#)
Cc: [Brad Bare](#)
Subject: 312 N East Ave
Date: Monday, March 27, 2023 10:42:58 AM
Attachments: [312 N East Letter.pdf](#)

Caution! This message was sent from outside your organization.

Hello Ms. Trexler,

Please see the attached letter in response to the March 15, 2023 Historic Preservation Commission meeting regarding the property at 312 N East Ave.

Thank you,
Lucia Marker-Moore & Brad Bare

Lucia Marker-Moore & Brad Bare
312 N East Ave
Oak Park, IL 60302
(708) 250-0987
lmarkermoore@gmail.com
bradbare@gmail.com

March 27, 2023

Sent via USPS and email

Village of Oak Park, Historic Preservation
% Susie Trexler
123 Madison Street
Oak Park, Illinois 60302
strexler@oak-park.us

RE: 312 N East Ave - Request for building permit within historic district

Dear Ms. Texler,

This letter is in response to your March 16, 2023 letter, "Re: 312 N East Ave Certificate of Appropriateness" ("Historic Preservation Letter"), and the March 15, 2023 Historic Preservation Commission meeting ("March 15 Meeting") at which our property was fourth on the New Business agenda.

For context, our home at 312 N East Ave, is before the Oak Park Historic Preservation Commission (the "Commission") because it is within the Frank Lloyd Wright - Prairie School of Architecture Historic District, and we seek building permits for two proposed dormers to the property. Because our house is (a) not a landmark, and (b) within a historic district, and (c) we seek building permits, Oak Park village ordinance provides that we apply for a Certificate of Advisory Review ("Advisory Review") before such building permits are issued. (Ord. 7-9-8(B).)

Erroneously, our project was listed on the March 15 Meeting agenda as under consideration for a Certificate of Appropriateness. This letter serves as a formal objection to the applicability of the Certificate of Appropriateness process to our requests for 312 N East Ave.

Pursuant to Oak Park's Historic Preservation ordinance (the "Ordinance") (Ord. 7-9-1 et seq.), for non-landmark homes within a historic district, Certificates of Appropriateness are limited to

instances of “demolition or removal of: [... a]ny site, building, structure or improvement[.] (Ord. 7-9-8-(A)(2)(b).) Of the four categories of objects listed in Ord. 7-9-8-(A)(2)(b), 312 N East Ave is a building. As defined in the ordinance, the demolition of a building is a drastic measure that constitutes “entirely or in significant part” “razing or destruction” of a building, including its facade. (Ord. 7-9-2.) The Ordinance does not define “significant part”; however, “significant” in conjunction with “razing or destruction” conveys total or near-total removal.

While it is our understanding that the Commission (without legal or statutory support) interprets “demolition” to include any and all “additions” in order to route all applications for additions and dormers through the Certificate of Appropriateness process, that interpretation impermissibly expands the Commission’s authority.

- First, the ordinance definition of “demolition” is limited to destruction and removal. It does include language to expand its reach to additions or other exterior alterations.
- Second, the Commission’s own Guidelines admit that “additions” and “demolitions” are separate concepts by repeatedly differentiating between them and applying different standards of review. (See e.g. Guidelines 135-136.) For example, the Guidelines state that additions “can be a sign of the economic health and vitality of Oak Park,” whereas demolitions “drastically alter the historic character and diminish the historic integrity of the property [and] [a]lternatives should be considered such as ... *the construction of an addition.*” (Guidelines 135 (emphasis added).)

Ultimately, “demolition” by its plain meaning, its statutory definition and the Commission’s interpretation, is a drastic, near-total or total alteration. It does not encompass any and all work that touches upon a building’s facade.

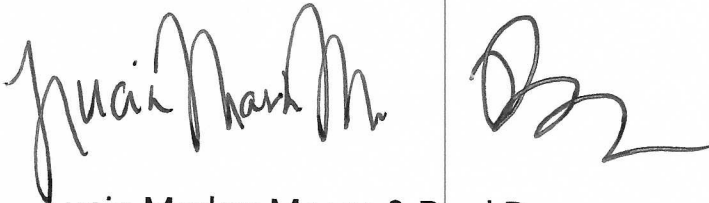
Furthermore, to interpret Ord. 7-9-8-(A)(2)(b) as encompassing all “additions” renders moot the Advisory Review process in Ord. 7-9-15 for non-landmark homes within a historic district. It is a principle of statutory interpretation not to read one section of statute in a manner that negates another. The village’s interpretation would result in no distinction between projects involving landmark and non-landmark properties, which the Ordinance as a whole clearly intends to hold to different standards of review.

For these reasons, we request that the Commission stop the Certificate of Appropriateness proceedings for 312 N East Ave, and convert its review to a Certificate of Advisory Review.

Without waiving our objection to the application of the Certificate of Appropriateness process to 312 N East Ave and our current proposals before the Oak Park Historic Preservation Commission, and without consenting the procedures for Certificate of Appropriateness in Ord. 7-9-12, but in the event Oak Park Historic Preservation Commission does not consent to

converting our project to a Certificate of Advisory Review, we hereby request a public hearing pursuant to Ord. 7-9-12(G).

Best regards,

Two handwritten signatures in black ink. The first signature is 'Lucia Marker-Moore' and the second is 'Brad Bare'. Both are written in a cursive, flowing style.

Lucia Marker-Moore & Brad Bare

Owners of 312 N East Ave

Lucia Marker-Moore & Brad Bare
312 N East Ave
Oak Park, IL 60302
(708) 250-0987
lmarkermoore@gmail.com
bradbare@gmail.com

March 28, 2023

Sent via USPS and email

Village of Oak Park, Historic Preservation
% Susie Trexler
123 Madison Street
Oak Park, Illinois 60302
strexler@oak-park.us

RE: 312 N East Ave - Request for building permit within historic district (corrected)

Dear Ms. Texler,

This letter is in response to your March 16, 2023 letter, "Re: 312 N East Ave Certificate of Appropriateness" ("Historic Preservation Letter"), and the March 15, 2023 Historic Preservation Commission meeting ("March 15 Meeting") at which our property was fourth on the New Business agenda.

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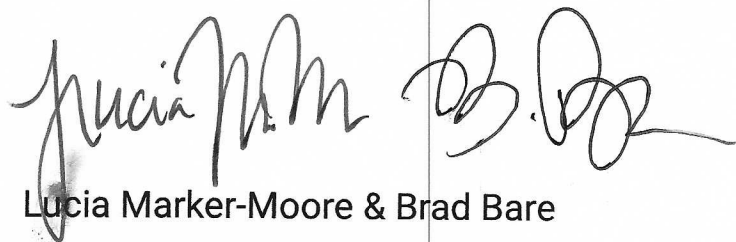
Furthermore, to interpret Ord. 7-9-8-(A)(2)(b) as encompassing all “additions” renders moot the Advisory Review process in Ord. 7-9-15 for non-landmark homes within a historic district. It is a principle of statutory interpretation not to read one section of statute in a manner that negates another. The village’s interpretation would result in no distinction between projects involving landmark and non-landmark properties, which the Ordinance as a whole clearly intends to hold to different standards of review.

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converting our project to a Certificate of Advisory Review, we hereby request a public hearing pursuant to Ord. 7-9-12(G).

Best regards,

Handwritten signatures of Lucia Marker-Moore and Brad Bare. The signature on the left is 'Lucia Marker-Moore' and the signature on the right is 'Brad Bare'.

Lucia Marker-Moore & Brad Bare

Owners of 312 N East Ave



123 MADISON STREET, OAK PARK, ILLINOIS 60302

April 19, 2023

VIA E-MAIL

Lucia Marker-Moore and Brad Bare
312 North East Avenue
Oak Park, Illinois 60302
lmarker@googlemail.com bradbare@googlemail.com

Re: 312 North East Avenue Historic Preservation Ordinance and Building Permit

Ms. Marker-Moore and Mr. Bare:

The Village of Oak Park is in receipt of your letter dated March 28, 2023 regarding your property at 312 North East Avenue ("**Property**"). As acknowledged in your letter, the Property is located within the Village's Frank Lloyd Wright Prairie School of Architecture Historic District ("**Historic District**").

The home on the Property is listed as a contributing resource within the Historic District according to the Village's survey conducted on April 17, 2007 ("**Survey**").¹ The Survey describes the home in summary as "a contributing building [in the] Frank Lloyd Wright-Prairie School of Architecture Historic District. The house was designed by Roy Hotchkiss and built in 1922 for original owner Mrs. Mary L. Messer." The Survey describes the home in detail as follows:

This is a 2.5-story single-family residence in the Craftsman style built in 1922. The structural system is masonry. The foundation is poured concrete. Exterior walls are original brick. The building has a clipped gable roof clad in replacement asphalt shingles. Windows are 2-light casements. There is a single-story platform/stoop characterized by a hip roof clad in asphalt shingles. The main entrance on the north has an original, single-light glass-and-wood door and multi-light sidelights. The one-story projecting bay on the main (W) facade has pilasters.

Because the Property is located within the Historic District, and because the home on the Property is a contributing resource within the Historic District per the Survey, it is subject to the Village's historic preservation requirements in Article 7-9 of the Oak Park Village Code ("**Historic Preservation Code**"). The Historic Preservation Code requires a Village-issued certificate of appropriateness ("**COA**") be obtained before any demolition or removal occurs on a site, building, structure, or improvement within the Historic District. Section 7-9-8.A.2.b.

The Historic Preservation Code defines demolition to be the "razing or destruction, whether entirely or in significant part of a building, structure, site or object. Demolition includes the removal

¹ <https://www.ruskinarc.com/oakpark/search/8409-312%20N%20East%20Ave/view>

of a building, structure or object from its site or the removal or destruction of its facade or surface.” Section 7-9-2. Removal is defined as any “moving of an improvement from the property upon which it was originally located.” *Id.*

You applied for a COA to remove two parts of the roof of the home and construct two dormers (“**Project**”). Your request for a COA was presented to the Village’s Historic Preservation Commission (“**Commission**”) on March 15, 2023. The Commission determined that the Project did not meet the requirements for a COA. Specifically, the Commission determined that the Project did not meet the Commission’s Architectural Review Guidelines Requirements for New Construction, Addition, & Demolition Projects. This included, but is not limited to, the following items:

- An addition shall be compatible with the historic building to which it is attached, including siting, massing, scale, materials and street rhythm.
- Any individual dormer visible from the street shall not cover more than 50% of the roof plane on which it sits.
- Dormer roof design shall be compatible with the slope of the main roof or be a slope and configuration characteristic of the style of the house.

As such, the Commission took no action on your application, and you were given the opportunity to revise the Project plans to better meet the COA requirements, to request a public hearing on the application, or to withdraw the application.

On March 28, 2023, you sent a letter to the Village objecting to the applicability of the COA process for the Project. You argued that the Historic Preservation Code does not apply to the Project for two reasons: (1) the Project does not propose demolition of any part of the home on the Property, and (2) the home is not a landmark and therefore is not subject to the COA process. Your letter requests that the Village process the Project under the advisory review process per Section 7-9-8.B of the Historic Preservation Code, or if the Village does not do so, then alternatively that the Commission hold a public hearing on a COA for the Project.

As explained below, the Project requires a COA and is not eligible for the advisory review process. First, the Project proposes to permanently remove and destroy significant parts of the existing roof of the home. If granted, based on the application materials submitted, the COA would result in 50-60% of the roof plane being demolished on the south elevation, including a historic clipped-gable dormer, as well as a portion of roof on the north elevation an additional smaller dormer. The removal of this much of a roof is considered significant under any reasonable interpretation of the Historic Preservation Code, particularly in light of the Code’s stated purpose to encourage the preservation of historic architecture. Section 7-9-1. Further, Village staff and the Commission both determined that the Project would constitute demolition as defined in the Historic Preservation Code. These determinations are owed deference given Village staff’s and the Commission’s expertise in interpreting and applying the Code. Over 20 similar proposals involving removal of roofs to add dormers to contributing structures in the Village’s historic districts have been processed by the Village and the Commission through the COA process in the last decade. Your Project is being treated the same as those prior applications.

Second, the advisory review process in the Historic Preservation Code does not apply to the Project. That process is only available for construction in a historic district when a COA is not otherwise required by the Code. Here, a COA is required for the Project because the home on the Property is a contributing structure, and because the Project proposes to demolish significant portions of the roof. Section 7-9-8.A.2.b.

Finally, you did voluntarily apply for a COA for the Project. Your objection to the applicability of the COA process occurred after the Commission declined to act on your COA application. The Village notes that this sequence of events suggests a waiver of your objections to the COA process. That being said, the Village hopes that you will continue to pursue the Project in accordance with the Historic Preservation Code. The Village remains available to discuss the Project with you and to provide guidance on ways in which you may renovate your home consistent with the Village's requirements.

Please contact me with any questions.

VILLAGE OF OAK PARK

Susie Trexler, Urban Planner

Lucia Marker-Moore & Brad Bare
312 N East Ave
Oak Park, IL 60302
(708) 250-0987
lmarkermoore@gmail.com
bradbare@gmail.com

May 9, 2023

Sent via email

Village of Oak Park, Historic Preservation
% Susie Trexler
123 Madison Street
Oak Park, Illinois 60302
strexler@oak-park.us

RE: Village of OP's 4/19 Letter, re 312 N East Ave

Dear Ms. Texler,

In response to the Village of Oak Park's ("Oak Park") April 19, 2023 letter, "Re: 312 North East Avenue Historic Preservation Ordinance and Building Permit" ("4/19 Letter"), we object and disagree with the characterization that we waived any objections to the Certificate of Appropriateness process ("COA") for our building permit request.

Contrary to your representations, Oak Park's historic preservation office directs all projects for dormers and/or "additions" through COA and does not provide homeowners or their architect representatives with the option to use the correct Certificate of Advisory Review ("Advisory Review"). Trusting the guidance from Oak Park, our architect filed through COA as directed by Oak Park's representative. Oak Park is itself responsible for the mis-identification of our project as appropriate for COA.

Furthermore, and for the reasons stated in our March 28, 2023 letter, Oak Park never had the jurisdiction to apply COA to our home, and therefore Oak Park's claim that we waived objections is irrelevant. As the initial review process for COA and Advisory Review are the same, Oak Park can cure its mistake without additional effort from either party by issuing a certificate of advisory review in accordance with Ord. 7-9-15. The presentation of our project at the March 15, 2023 Historic Preservation Commission meeting fulfills the review process in Ord. 7-9-15. All

that remains is for Oak Park to issue the Certificate of Advisory Review, which we respectfully request is done in direct response to this letter.

Best regards,

/s/ Lucia Marker-Moore

/s/ Brad Bare

Lucia Marker-Moore & Brad Bare

Owners of 312 N East Ave



123 MADISON STREET, OAK PARK, ILLINOIS 60302

May 17, 2023

Lucia Marker-Moore and Brad Bare
312 North East Avenue
Oak Park, Illinois 60302

lmarkermoore@gmail.com bradbare@gmail.com

Re: Certificate of Appropriateness – 312 N East Ave

Dear Ms. Marker-Moore and Mr. Bare,

Thank you for attending the public hearing on May 11, 2023. As you know, the Historic Preservation Commission denied the Certificate of Appropriateness for the dormer additions at 312 N East Ave. A resolution was prepared at the direction of the Commission following the public hearing. Copies of the resolution and denied Certificate of Appropriateness are attached for your records. These will be sent by email and hard copy.

Based on the Historic Preservation Ordinance (7-9-13H), following a denial of a Certificate of Appropriateness you may revise your application and resubmit, appeal the denial to the Village Board (within 15 days), or request a Certificate of Economic Hardship.

As a reminder, the option is always open to you to return with a new design that better aligns with the Guidelines. You may attend a Historic Preservation Commission or Architectural Review Committee meeting for additional feedback at any stage in your design process.

Please contact me at (708) 358-5443 or strexler@oak-park.us if you have any questions.

Sincerely,

Susan Trexler
Urban Planner
Historic Preservation
Village of Oak Park, Illinois

CC: Lou Garapolo, HPC Chair
Craig Failor, Village Planner
Greg Smith, Klein, Thorpe and Jenkins, Ltd.

From: [Lucia Marker-Moore](#)
To: [Trexler, Susan](#)
Cc: [Brad Bare](#)
Subject: Re: 312 N East Ave COA and Resolution
Date: Tuesday, May 30, 2023 10:26:00 AM
Attachments: [image001.png](#)

Caution! This message was sent from outside your organization.

Hi Susie,

We would like to appeal the Commission's COA decision to the Village Board. Please let us know if you need a more formal communication than this email.

We'd also like to thank you for processing the FOIA request. As always, you have been incredibly helpful and professional. We truly appreciate it.

Thanks,
Lucia Marker-Moore & Brad Bare (CCed here)

On Wed, May 17, 2023 at 11:29 AM Trexler, Susan <strexler@oak-park.us> wrote:

Hello Lucia and Brad,

Attached please find the following regarding last week's public hearing on May 11: a letter explaining next possible steps, the signed COA, and the signed Resolution. These have also been mailed to you. Please let me know if you have any questions.

Thank you,

Susie

Susie C. Trexler

Urban Planner

Historic Preservation

Village of Oak Park, Illinois

Direct Line: (708) 358-5443

Website: www.oak-park.us

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