

ORDINANCE

AN ORDINANCE DENYING A CERTIFICATE OF APPROPRIATENESS FOR THE PROPERTY LOCATED AT 238 SOUTH KENILWORTH AVENUE

WHEREAS, on November 30, 2016, the Applicants, Tom and Michelle Gill ("Applicants") submitted an application with the Village of Oak Park ("Village") for a certificate of appropriateness seeking approval of a proposed two-story frame addition on the south side and rear of the home located at 238 South Kenilworth Avenue ("Property") as more fully set forth in the application; and

WHEREAS, on December 8, 2016 the Historic Preservation Commission ("Commission") reviewed the Certificate of Appropriateness application and determined that the proposal did not meet the Commission's Architectural Review Guidelines and took no action on the application pursuant to Section 7-9-13(F) of the Oak Park Village Code ("Village Code"); and

WHEREAS, on December 21, 2016 the Applicants requested a public hearing before the Commission

WHEREAS, the Commission held a public hearing on the application at a meeting held on January 12, 2017; and

WHEREAS, notice of the public hearing was duly published in the *Wednesday Journal* on December 28, 2015; and

WHEREAS, at the conclusion of the public hearing, the Commission denied the certificate of appropriateness for the Property by a vote of four (4) in favor and four (4) against; and

WHEREAS, the Commission adopted a Resolution and Findings of Fact on the application at its meeting of January 12, 2017 meeting, which is incorporated herein as though fully set forth; and

WHEREAS, a certificate of appropriateness is defined in Section 7-9-2 of the Oak park Village Code as, "A certificate issued by the Commission indicating its approval of plans for the alteration, or construction, or relocation of an historic landmark, or the removal or demolition of an historic landmark or a building, structure or improvement within an historic district;" and

WHEREAS, the denial of a certificate of appropriateness by the Commission may be appealed to the Village Board pursuant to Section 7-9-13(H) of the Village Code; and

WHEREAS, the Applicants filed such an appeal on January 18, 2017; and

WHEREAS, the President and Board of Trustees have received the Resolution/Findings of Fact of the Commission with respect to the application and approve said Resolution/Findings of Fact; and

WHEREAS, pursuant to the Resolution and Findings of Fact of the Commission, the President and Board of Trustees have determined to deny the Applicants' appeal for a certificate of appropriateness as set forth herein.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Oak Park, County of Cook, 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 and Findings of Fact. The Resolution and Findings of Fact of the Historic Preservation Commission, together with all reports and exhibits submitted at the public hearing, 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 Applicants' appeal for the issuance of a certificate of appropriateness is denied and a certificate of appropriateness shall not issue 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.

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ADOPTED this 6th day of February, 2017, pursuant to a roll call vote as follows:

Voting	Aye	Nay	Abstain	Absent
President Abu-Taleb				
Trustee Barber				
Trustee Brewer				
Trustee Button Ott				
Trustee Lueck				
Trustee Salzman				
Trustee Tucker				

APPROVED this 6th day of February, 2017.

Anan Abu-Taleb, Village President

ATTEST

Teresa Powell, Village Clerk

Published in pamphlet form this 6th day of February, 2017.

Teresa Powell, Village Clerk