

## **ORDINANCE**

### **AN ORDINANCE DENYING A CERTIFICATE OF ECONOMIC HARDSHIP FOR THE DEMOLITION OF A CONTRIBUTING RESIDENTIAL STRUCTURE WITHIN THE RIDGELAND-OAK PARK HISTORIC DISTRICT LOCATED AT 1014 PLEASANT STREET**

**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 Economic Hardship 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 January 2, 2019, Alan Rossell (the "Applicant") filed an application for a Certificate of Appropriateness seeking approval to demolish the structure ("Structure") within the Ridgeland/Oak Park Historic District located at 1014 Pleasant Street ("Subject Property"); and

**WHEREAS**, on January 10, 2019, the Village of Oak Park Historic Preservation Commission ("Commission") reviewed the Applicant's application for a Certificate of Appropriateness ("COA Application") and determined it did not meet the Village's Architectural Review Guidelines and took no action on the application per Section 7-9-13(F) of the Village of Oak Park Village Code ("Village Code"); and

**WHEREAS**, on January 14, 2019, the Applicant requested a public hearing before the Commission on the COA Application, and on January 30, 2019, a legal 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 on the COA Application, and letters were mailed by regular and certified mail also on January 29, 2019 to owners of property within two hundred and fifty feet (250') of the Subject Properties advising them of the COA Application and the public hearing; and

**WHEREAS**, pursuant to proper notice, the Commission conducted a public hearing on the COA Application on February 14, 2019, at which time and place a quorum of the Commission was present; and

**WHEREAS**, at the conclusion of the public hearing on the COA Application, the Commission considered all evidence and testimony submitted on the COA Application, deliberated on the COA Application and determined, by unanimous votes of those Commissioners present, that the Structures are contributing resources in the Ridgeland/Oak

Park Historic District and that the COA Application to demolish the Structures should be denied; and

**WHEREAS**, on February 21, 2019, the Commission adopted a resolution entitled “Resolution Of The Oak Park Historic Preservation Commission Denying A Certificate Of Appropriateness For The Demolition Of Residential Structures Within The Ridgeland/Oak Park Historic District Located At 1014 And 1018 Pleasant Street, Oak Park, Illinois” denying the COA Application; and

**WHEREAS**, the Applicant did not appeal the denial of the COA Application, and instead, on February 27, 2019, the Applicant filed an application for a Certificate of Economic Hardship (“COEH”) to demolish the Structures (“COEH Application”); and

**WHEREAS**, on March 20, 2019, a legal notice was published in *The Wednesday Journal*, a newspaper of general circulation in the Village providing notice of the public hearing on the COEH Application, and letters were mailed by regular and certified mail also on March 20, 2019 to the Applicant and owners of property within two hundred and fifty feet (250’) of the Subject Properties advising them of the COEH Application and the public hearing; and

**WHEREAS**, pursuant to proper notice, the Commission conducted a public hearing on the COEH Application on April 11, 2019, at which time and place a quorum of the Commission was present; and

**WHEREAS**, at the conclusion of the public hearing on the COEH Application, the Commission considered all evidence and testimony submitted on the COEH Application, deliberated on the COEH Application and determined, by the unanimous vote of those Commissioners present, that the COEH Application to demolish the Structures should be denied; and

**WHEREAS**, the President and Board of Trustees has determined to affirm the Historic Preservation Commission’s denial of the Certificate of Economic Hardship.

**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 Economic Hardship.** The Resolution/Findings of Fact of the Historic Preservation Commission with regard to the application for a Certificate of Economic Hardship, 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 Economic Hardship.** The Applicant's appeal for the issuance of a certificate of economic hardship is denied and a certificate of economic hardship 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.

**ADOPTED** this 3<sup>rd</sup> day of June, 2019, pursuant to a roll call vote as follows:

Voting	Aye	Nay	Abstain	Absent
President Abu-Taleb				
Trustee Andrews				
Trustee Boutet				
Trustee Buchanan				
Trustee Moroney				
Trustee Taglia				
Trustee Walker-Peddakotla				

**APPROVED** this 3<sup>rd</sup> day of June, 2019.

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Anan Abu-Taleb, President

**ATTEST**

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Vicki Scaman, Village Clerk

Published in pamphlet form this 3<sup>rd</sup> day of June, 2019.

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Vicki Scaman, Village Clerk