

ORDINANCE

AN ORDINANCE APPROVING A CERTIFICATE APPROPRIATENESS FOR THE DEMOLITION OF A CONTRIBUTING RESIDENTIAL STRUCTURE AND GARAGE WITHIN THE RIDGELAND-OAK PARK HISTORIC DISTRICT LOCATED AT 203 S. MARION 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 appropriateness ("COA") 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 May 19, 2020, 203 Focus Acquisition Company LLC (the "Applicant") filed an application for a COA seeking approval to demolish a residential structure and garage ("Structures") within the Ridgeland/Oak Park Historic District located at 203 S. Marion Street ("Subject Property"); and

WHEREAS, on June 17, 2020, the Village of Oak Park Historic Preservation Commission ("Commission") reviewed the Applicant's 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 June 19, 2020, the Applicant requested a public hearing before the Commission on its application, on August 26, 2020, 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, and letters were mailed by regular and certified mail also on August 26, 2020 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 certificate of appropriateness application on September 10, 2020, 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 the application, two (2) members of the public presented oral testimony opposing the application, and the Commission received and reviewed an additional eighteen (18) written comments opposing the application and no written comments supporting 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 determined, by unanimous votes of those members present, that the Structures are contributing resources in the Ridgeland/Oak Park Historic District and that the application of a Certificate of Appropriateness to demolish the Structures be denied; and

WHEREAS, on September 10, 2020, the Commission adopted a resolution entitled “Resolution Of The Village Of Oak Park Historic Preservation Commission Denying A Certificate Of Appropriateness For The Demolition Of Structures Within the Ridgeland/Oak Park Historic District Located At 203 South Marion Street, Oak Park, Illinois” denying the COA application; and

WHEREAS, the Applicant filed an appeal of the Commission’s decision to deny a COA on September 11, 2020; and

WHEREAS, the President and Board of Trustees have determined to reverse the Commission’s denial of the COA.

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 and modifications set forth herein.

Section 3. Issuance of a Certificate of Appropriateness. The Applicant’s appeal for the issuance of a certificate of appropriateness is granted, and the Historic Preservation Commission’s decision to deny a certificate of appropriateness is reversed, and a certificate of appropriateness shall 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.

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ADOPTED this 5th day of October, 2020, 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 5th day of October, 2020.

Anan Abu-Taleb, President

ATTEST

Vicki Scaman, Village Clerk

Published in pamphlet form this 5th day of October, 2020.

Vicki Scaman, Village Clerk