



Agenda Item Summary

File #: ORD 17-179, **Version:** 1

Submitted By

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Reviewed By

LKS

Agenda Item Title

Concur with the Historic Preservation Commission and Adopt an Ordinance Denying a Certificate of Appropriateness for the Property Located at South Kenilworth Avenue

Overview

The Historic Preservation Commission held a public hearing, and a quorum was present. The Commission heard testimony from the applicant and one member of the public. Following deliberation the Commission voted 4-to-4 to deny the application and approved the Resolution and Findings of Fact by a vote of 8-to-0. The Applicant is appealing their decision to the Village Board.

Recommendation

The Historic Preservation Commission does not support the Certificate of Appropriateness application.

Staff Recommendation

Village staff recommends that the Board of Trustees affirm the findings and recommendations of the Historic Preservation Commission to deny the Certificate of Appropriateness for 238 S. Kenilworth Avenue as submitted.

Fiscal Impact

The cost of the appeal has been for postage to notify property owners within 250 feet of the public hearing, per requirements in the Historic Preservation Ordinance. The notice was required to be sent by both regular and certified mail. The cost was \$283.72.

Background

The Historic Preservation Ordinance, adopted by the Village Board in 1994, enables the Historic Preservation Commission to approve Certificate of Appropriateness applications. The ordinance calls for the Commission to review applications within 30 days of receipt. If the Commission finds that the work does not meet the established criteria for review - in this case the Architectural Review Guidelines - they are to take no action on the application. Following receipt of the notice from the Village of the Commission's decision, the ordinance allows the applicant 15 days to request that the Commission hold a public hearing to take additional evidence and testimony. The Commission notifies property owners within 250 feet of the hearing, and holds it within 45 days of the request. The Commission either approves or denies the application by Resolution and Findings of

Fact. If the application is denied, the applicant may appeal the Commission's decision to the Village Board of Trustees within 15 days.

The Village Board, within forty five (45) days of the applicant filing their appeal, shall affirm, reverse or modify the decision of the Commission after due consideration of the facts contained in the record. The Board of Trustees may receive comments on the contents of the record, orally at the meeting or in writing, not less than ten (10) days prior to the meeting at which the Board will first consider the appeal but shall not consider any new matters that were not presented during the Commission hearings. The Village Board shall, within ten (10) days of its decision, advise the applicants and the Commission, in writing, of its final decision and shall direct the Village Manager to advise all affected Village departments.

October 13, 2016: the applicants submitted preliminary plans for a two-story side and rear addition. The proposed side two-story addition at 238 S. Kenilworth Avenue is extending the existing two-story south bay out into the side yard along the back of the wrap-around porch, which was added in 2011 and is not original to the house. The existing south bay has diagonal (or chamfered) bay walls on the first floor and squared walls on the second floor. The house is clad in wood clapboard with wood shingles in the gable ends. The applicants are proposing to use three types of siding - wider at the base - to delineate that it is a new addition.

October 26, 2016: These plans were reviewed by the HPC Architectural Review Committee at their meeting. The Committee made various suggestions on design, but no recommendation on approval to the Commission.

November 26, 2016: The architect met with the Architectural Review Committee. The ARC recommended that they delineate the side addition in materials and use trim board, and add a base/water table in different materials to make the addition more grounded. The also suggested using the same detailing like wood trim and trim around the windows on the addition to mimic a more covered bay. The applicants have done this by using a wider siding at the base, a narrower siding on the first floor of the addition, and shingles on the second floor.

December 8, 2016: The Historic Preservation Commission reviewed the Certificate of Appropriateness at their meeting. At that meeting the Commission determined that the proposed addition would remove the side bay, which they felt is a character-defining feature, and therefore did not meet the New Addition Policy of the Architectural Review Guidelines.

December 8, 2016: The applicants submitted a Certificate of Appropriateness application, along with revised plans, which were reviewed by the Historic Preservation Commission at their regular meeting. At that meeting the Commission determined that the application did not meet the Architectural Review Guidelines and took no action on the application, per Section 7-9-13(F) of the Historic Preservation Ordinance.

December 21, 2016: the applicants requested a public hearing in writing, which was within the required 15 day period.

December 28, 2016: A legal notice was filed in the Wednesday Journal and letters were sent by regular and certified mail to the property owners and neighbors within 250 feet.

January 12, 2017: The Historic Preservation Commission held the public hearing. The property owners and their architect testified, as well as one neighbor. The owners had sent a letter to the neighbors along with a form for their signature, and received 26 signed forms back in support of the application, which they submitted into the record. There was no testimony in opposition. Following all testimony and Commission deliberation, the Commission determined that the application did not meet the Architectural Review Guidelines and denied the Certificate of Appropriateness by a vote of 4-to-4 and approved the Resolution and Findings of Fact by a vote of 8-to-0

January 18, 2017: The applicant's architect submitted a letter requesting an appeal before the Village Board.

Alternatives

One alternative would be to overturn the Historic Preservation Commission's decision and approve the Certificate of Appropriateness application as submitted.

Previous Board Action

N/A.

Citizen Advisory Commission Action

The Historic Preservation Commission denied the Certificate of Appropriateness application by a vote of 4-to-4. They approved a Resolution and Findings of Fact by a vote of 8-to-0.

Anticipated Future Actions/Commitments

N/A.

Intergovernmental Cooperation Opportunities

Historic Preservation matters are unique to Village government within the corporate limits of Oak Park and therefore, intergovernmental cooperation opportunities do not exist.

Performance Management (MAP) Alignment

A Governance Priority for the Development Customer Services Department is Land Use Regulations.