



## Agenda Item Summary

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**File #:** ORD 18-435, **Version:** 1

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### Submitted By

Tammie Grossman, Development Customer Services Director

### 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 224 South Marion Street**

### Overview

The applicant proposes to demolish a single-family house and detached garage at 224 S. Marion Street to make way for a multiple unit residential development. The subject property is currently used as offices within a commercial zoning district (DT-3). This property is listed as a Contributing Resource within the Ridgeland/Oak Park Historic District, and therefore demolition requires the approval of a Certificate of Appropriateness. The applicant is appealing the Historic Preservation Commission's denial decision. The video of the hearing can be found here: [≤https://www.oak-park.us/your-government/citizen-commissions/commission-tv≥](https://www.oak-park.us/your-government/citizen-commissions/commission-tv)

### Staff Recommendation

Staff supports the Historic Preservation Commission's decision.

### Fiscal Impact

N/A.

### Background

The Oak Park Historic Preservation Ordinance (Article 9, Chapter 7 of the Village Code) provides a demolition process for contributing structures within historic districts. This provision requires the Historic Preservation Commission review a Certificate of Appropriateness (COA) application for any demolition of a landmark or contributing resource. If the demolition request is not supported, then the applicant can request a public hearing before the Historic Preservation Commission where additional information and testimony can be submitted. If the COA is denied at the hearing (which is a final decision by the HPC), the applicant has the opportunity to either; 1.) withdraw the application, 2.) appeal the application or 3.) seek a another hearing before the HPC relative to determining economic hardship. In this case, the applicant is seeking option #2 - an appeal of the HPC's decision.

Pursuant to Section 7-9-15 of the Oak Park Historic Preservation Ordinance, information regarding this application and the Historic Preservation Commission's decision was submitted and posted on September 7, 2018: [≤https://www.oak-park.us/sites/default/files/news/manager-reports/2018/2018-09-07-managers-report.pdf≥](https://www.oak-park.us/sites/default/files/news/manager-reports/2018/2018-09-07-managers-report.pdf)

and reads as follows: South Marion demolition update - At its Aug. 30 meeting, the Historic Preservation Commission denied a Certificate of Appropriateness application to demolish a commercially used residential structure and replace it with a condominium building within the Ridgeland/Oak Park Historic District at 224 S. Marion St. As allowed under Village Code, the applicant has appealed the decision to the Village Board, which has 45 days from the Sept. 4 appeal to rule.

The Village Board can affirm, reverse or modify the decision of the Historic Preservation Commission. If the Board chooses to take no action within the allotted time, the appeal will be considered denied and the Commission's decision will stand. The application, exhibits and Commission resolution have been posted online. In addition, the recording of the Aug. 30 Historic Preservation Commission meeting is available for viewing at [www.oak-park.us/commissiontv](http://www.oak-park.us/commissiontv).

### **Alternatives**

After due consideration of the facts contained in the recored, the Village Board can either:

1. Affirm the Decision.
2. Reverse the Decision. This would allow the applicant to demolish the contributing building within the Ridgeland/Oak Park Historic District.
3. Modify the Decision.
4. Take No Action: If the Village Board does not affirm, reverse or modify the decision within 45 days of the applicant filing of September 4, 2018, an appeal shall be considered an affirmance of the Historic Preservation Commission's decision and a denial of the appeal. (45 days, excluding September 4, 2018, is October 19, 2018)

### **Previous Board Action**

N/A.

### **Citizen Advisory Commission Action**

June 27, 2018: The Applicant met with the Architectural Review Committee. At that committee meeting, the ARC discussed the process for demolition. It was indicated that a review of a COA is the first step in that process.

August 9, 2018: At the HPC meeting Mr. David Lehman, contract purchaser of the subject property, provided an overview of the request for demolition of the commercially-used house at 224 S. Marion Street. Mr. Lehman stated that economic development should be the priority in the downtown commercially zoned area and that the current use was not the highest and best use for this district based on his read of the Village's Comprehensive Plan. The subject property is zoned DT-3; Downtown District and located within the Pleasant District commercial district. Mr. Lehman also stated that one less American Four Square building-type would not diminish the integrity of the historic district. Several members of the Commission indicated that the subject site contributes to the Ridgeland-Oak Park Historic District; helps set the context and achieves a good diversity of building types. The Commission was interested in any attempt to retain the building and incorporate it into the proposed development. The Commission stated that their charge is to ensure the integrity of all the historic districts is preserved. The Commission took no action on this item - which is a denial of the request.

August 30, 2018: The Historic Preservation Commission held a special meeting for the public hearing on this application. At that meeting the Historic Preservation chair accepted the following exhibits in this case: A) Certificate of Appropriateness application; dated June 27, 2018, B) Project Summary / Presentation from David Lehman; dated July 12, 2018, C) Correspondence from applicant requesting public hearing; dated August 10, 2018, D) Legal Notice, Notice to owners, Notice to property owners within 250 feet, E) Photographs of property, F) Draft Minutes of the August 9, 2018 Historic Preservation Commission meeting, G) Authorization to proceed from Property Owner; dated August 13, 2018, H) Resume for Drew Nelson, I) Public Comment emails received through August 30, 2018.

Mr. Drew Nelson, AIA, with WDN Architecture presented the request on behalf of the applicant, Mr. David Lehman. Mr. Nelson stated their reasons the HPC should approve the demolition request and reviewed aspects of their proposed condominium development. Public comments were made by, Mr. Frank Lipo, Mr. Andrew Elders, Ms. Clare Heskert, Ms. Lyn Conniff, Mr. James Keleher, Mr. Martin Golub, Mr. Steven Kelley, Mr. Bruce Lehman, Ms. Nancy Nemitz, and Ms. Nancy Davis. All were in opposition to the demolition of the subject residence. Mr. Nelson provided a rebuttal to some of the public statements.

The Commission began their deliberations. The Commission emphasized the fact that the subject house was a contributing structure, contributes to the historic integrity of the district, and meets the intent of the comprehensive plan and zoning and is supported by the historic preservation standards and guidelines. In general, the Commissioners indicated they were not in support of this application and unanimously denied the applicant's request to demolish the building.

#### **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.