

MINUTES
VILLAGE OF HINSDALE
HISTORIC PRESERVATION COMMISSION
May 2, 2018, SPECIAL MEETING
Memorial Hall – Memorial Building, 19 East Chicago Avenue, Hinsdale
5:00 P.M.

Chairman Bohnen called the meeting of the Historic Preservation Commission (HPC) to order at 5:00 p.m. on May 2, 2018, in Memorial Hall in the Memorial Building, 19 East Chicago Avenue, Hinsdale IL.

Present: Chairman Bohnen, Commissioner Prisby, Commissioner Gonzalez, Commissioner D'Arco, Commissioner Bill Haarlow, Commissioner Weinberger and Commissioner Williams

Absent:

Also Present: Chan Yu, Village Planner, Lance Malina, Village Attorney, and Mike D'Onofrio, Planning Consultant

Chairman Bohnen gave a brief summary in regards to the Hinsdale Historic Districts, and the issues of how the historic preservation code has been interpreted. The fundamental question for the community is if it cares about historic preservation. And if it does care, how will it cast the rules and what will be under the purview of the HPC.

Chairman Bohnen gave two examples of applications to un-landmark their homes, which were approved by the Board of Trustees (BOT), even though the HPC unanimously recommended denying the requests. The HPC cautioned the Village and the BOT about writing code on the fly; it sets a dangerous precedent and we would like to rule by code. To that end, the HPC would like to work with the BOT to come up with rules that make sense, so moving forward, we won't have the BOT in situations where they need to listen to woeful stories that do not fit the code.

It was stated the Historic Preservation code (Title 14) should be clear on what the implications are if the tax freeze program is granted to a homeowner, and subsequently attempted to un-landmark the home. In short, one should not be able to utilize the state tax freeze program and un-landmark the home, and the Village should codify this. In addition to reviewing the code for landmarks, the HPC and the Village is also examining what triggers a Certificate of Appropriateness application. Chairman Bohnen explained that the HPC is currently charged with reviewing demolitions and streetscape (new construction) in the Robbins Park Historic District. The scope of review by the HPC may be more or the same, but the code nevertheless needs to be amended to comply with what is being currently processed.

Presentation – Landmarks Illinois

Ms. Lisa DiChiera, Director of Advocacy of Landmarks Illinois, introduced herself and gave a brief background of Landmarks Illinois, established in 1971. She stated that the state tax freeze program is the primary incentive for single family home owners if they rehabilitate their landmarked homes, but acknowledged that there are not enough incentives and tools for historic preservation efforts. Ms. DiChiera explained that the Landmarks Illinois continues to work with the state legislator for a state historic tax credit that can work with the federal historic tax credit (for income producing properties).

One of the best practice communities of late is the Village of Downers Grove. Ms. DiChiera explained the Village streamlined the process to landmark a home and proactively assisted 20 homeowners with landmarking their homes in the last year and a half. On the other hand, not all communities are successful with its historic preservation efforts. For example, Ms. DiChiera mentioned Evanston and Highland Park are unfortunately showing regressive efforts, based on key preservation battles that went the wrong direction.

Chairman Bohnen expressed with pride for the community effort put into the historic downtown district of Hinsdale, and stated the same attitude could catch on for the Robbins historic residential district as well, if done correctly.

Commissioner D'Arco inquired about home rule (authority) and non-home rule communities, and how other communities deal with historic preservation commissions playing an advisory role versus being the final authority on the subject matter.

Mr. Lance Malina, Village Attorney, explained in regards to historic preservation, the difference between a home rule and non-home rule community is minimal. He also added that it is common for the recommending committees/commissions to be more strict with its interpretation of the code than the elected officials are at the final decision making step.

Mr. Michael Rachlis, Landmarks Illinois Attorney, echoed Mr. Malina's views. The issue of home rule and non-home rule in this area of land use regulation is one when you can have some freedom based on the Illinois municipal code. The Illinois municipal code permits the Village to have the authority to have a preservation ordinance, and enforce it, and there is a host of other authorities that provide "teeth" for enforcement.

Chairman Bohnen asked to clarify, if the Village can amend the code to accommodate most of its concerns without going to a home rule community.

Mr. Michael Rachlis replied, from his prospective, correct. To improve your code and for enforcement improvements, it will not require going to a home rule jurisdiction.

Mr. Lance Malina added, you can legally change the ordinance and make it stricter, but a better ordinance is a policy determination. However, that does not remove the dilemma of the elected officials when they hear circumstances that they believe warrant, for example, to un-landmark a home.

Commissioner D'Arco expressed the ordinance should be structured to require facts and evidence for the things the applicant is claiming.

Mr. Lance Malina replied that some of the Board members at the time, stated when the original ordinance was passed, various persons did not believe landmarking was quite as strict as legally it was on paper.

Chairman Bohnen stated that he believes it is very important to have strict meaningful language that fits all unusual circumstances. The way Title 14-4-1(E) is written currently, is not to his satisfaction, and should be rewritten to reflect what the HPC wants it to say, and not with vague language.

As a member of the public meeting audience, Trustee Posthuma reviewed that there is an inconsistency in the code regarding economic hardship for a Certificate of Appropriateness and a landmark withdraw request. It does not make sense it is different and the Village should determine which direction to take. He also added that the Village Board did take into consideration, that the last landmark withdraw applicant did not participate in the state tax freeze program; and on the other hand, agreed that it does not make sense for a homeowner who did participate in the tax freeze program, to be able to un-landmark their home.

Commissioner Haarlow stated that he was on the Board of Trustees at the time of the first landmark withdraw application (Barrow's) and recalled the vague language and difficulty the Board faced, particularly because it was the first withdraw request. On that note, it would be helpful to define the criteria and require written answers to each criterion, to show demonstration of hardship. (A discussion in regards to the Zoning Board of Appeals, variations and an appeal to the interpretation of the code by staff ensued.)

Ms. DiChiera stated that she and Mr. Rachlis agreed that Title 14-4-1(E) should not exist in the code because the financial hardship criteria list is in another section of the code (Certificate of Appropriateness section), and to Mr. Rachlis's point, the Village should evaluate if Title 14-4-1(E) should remain or removed. It was also added that as a certified local government designation, a report should be sent to the state annually. An example of the final decision body at Evanston, agreeing with the HPC's recommendation to deny un-landmarking 2 properties due to the clear language of the code was reviewed. In regards to an example of an incentive, the City of Chicago waives building permit fees to landmarked homes.

Chairman Bohnen expressed it is the HPC's hope to gain a positive attitude for drafting a revised preservation ordinance that is popular, manageable, and the HPC looks forward to working with the Board of Trustees.

Commissioner Williams stated in the interim of revising the ordinance, the HPC should improve its findings and recommendations to elaborate the facts and put their feelings into it.

Chairman Bohnen added that he is surprised and found it unusual that the HPC does not write its own findings and recommendations. To that end, perhaps the HPC could write a draft for the Village Attorney to consider when they create the final version.


Additional discussion about landmark programs in other communities ensued.

Commissioner Prisby suggested that the revised code should be simple and straight forward to prevent a lot of issues moving forward in regards to landmark withdrawal applications.

Adjournment

The HPC unanimously agreed to adjourn at 6:20 PM on May 2, 2018.

Respectfully Submitted,

 , Village Planner