



MEETING AGENDA

**MEETING OF THE
HISTORIC PRESERVATION COMMISSION
Wednesday, January 9, 2019
6:30 P.M.
MEMORIAL HALL – MEMORIAL BUILDING
(Tentative & Subject to Change)**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PUBLIC COMMENT**
- 4. MINUTES** – Review and approval of the minutes from the December 5, 2018, meeting.
- 5. DISCUSSION ITEMS**
 - a) Village of Hinsdale Historic Preservation Regulations Review
- 6. OTHER BUSINESS**
- 7. ADJOURNMENT**

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Approved

MINUTES
VILLAGE OF HINSDALE
HISTORIC PRESERVATION COMMISSION

December 5, 2018

Memorial Hall – Memorial Building, 19 East Chicago Avenue, Hinsdale

6:30 P.M.

Chairman Bohnen called the meeting of the Historic Preservation Commission (HPC) to order at 6:30 p.m. on December 5, 2018, in Memorial Hall in the Memorial Building, 19 East Chicago Avenue, Hinsdale IL.

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

Absent:

Also Present: Chan Yu, Village Planner
Applicant for case: HPC-08-2018

Minutes

Chairman Bohnen introduced the minutes from the November 7, 2018, meeting and asked for any comments. Commissioner D'Arco had one revision request to delete a mistake/line in the transcript.

The HPC **unanimously approved, 6-0 (1 absent)** the minutes from the November 7, 2018, meeting, as amended.

Public Hearing

Case HPC-08-2018 – 453 E. Sixth Street - Request for Certificate of Appropriateness to demolish and construct a new home in the Robbins Park Historic District.

Please refer to Attachment 1, for the transcript for Public Hearing Case HPC-08-2018

The HPC unanimously approved the Certificate of Appropriateness, to demolish the home, **6-0 (1 abstained).**

The HPC unanimously denied the Certificate of Appropriateness, for the proposed plan of the new home, **6-0 (1 abstained).**

Other Business

Chairman Bohnen reviewed that he is reviewing the Title 14 (HPC) amendment document and is at a point where he would like to schedule a special meeting for the 2nd week in January to gain the input of the draft document.

Chairman Bohnen also discussed in brief, that there is a difference in opinion between the HPC and members of the Plan Commission regarding signage in downtown Hinsdale. It needs to be flushed out and it needs to be determined who will have the say over signage in the historic downtown district.

Commissioner Weinberger asked how does this get decided.

Chairman Bohnen responded at the Board of Trustees level.

Commissioner Prisby asked who is putting forth this request.

Chairman Bohnen replied that he would like to seek a volunteer.

Additional discussion on signage review history and signage ensued.

Adjournment

The HPC unanimously agreed to adjourn at 7:37 PM on December 5, 2018.

Respectfully Submitted,

Chan Yu, Village Planner

STATE OF ILLINOIS)
) ss:
COUNTY OF DU PAGE)

BEFORE THE VILLAGE OF HINSDALE
HISTORIC PRESERVATION COMMISSION

IN THE MATTER OF:)
)
CASE NO. HPC-08-2018)
)
453 East Sixth Street)

REPORT OF PROCEEDINGS had and testimony
taken at the continuation of the Public Hearing
on the Certificate of Appropriateness in the
above-entitled matter before the Hinsdale
Historic Preservation Commission, at 19 East
Chicago Avenue, Hinsdale, Illinois, on the
5th day of December, 2018, at 6:30 p.m.

BOARD MEMBERS PRESENT:

MR. JOHN BOHNEN, Chairman;
MS. JANICE D'ARCO, Member;
MR. BILL HAARLOW, Member;
MR. JAMES PRISBY, Member;
MS. SANDRA WILLIAMS, Member;
MS. SHANNON WEINBERGER, Member.

<p style="text-align: center;">2</p> <p>1 ALSO PRESENT:</p> <p>2 MR. CHAN YU, Village Planner;</p> <p>3 MR. PETER COULES, Donatelli & Coules.</p> <p>4 * * *</p> <p>5 CHAIRMAN BOHNEN: And now open the</p> <p>6 public hearing for a Certificate of</p> <p>7 Appropriateness, Case HPC-08-2018, 453 East</p> <p>8 Sixth Street.</p> <p>9 Anybody that's going to speak,</p> <p>06:36:10PM 10 please stand to be sworn in.</p> <p>11 (Mr. Peter Coules sworn.)</p> <p>12 CHAIRMAN BOHNEN: Would you step to the</p> <p>13 microphone, Mr. Coules.</p> <p>14 MR. COULES: Sure. Peter Coules on</p> <p>15 behalf of -- They are actually called Rebrag,</p> <p>16 Inc., that owns the property. It's Garber</p> <p>17 backwards. They are the contractors that own</p> <p>18 the property. They have a company that owns the</p> <p>19 dirt when they buy the dirt.</p> <p>06:36:37PM 20 This property was, I guess, built</p> <p>21 in 1953. I thought it was the '60s or '70s</p> <p>22 because they had done remodeling on this house</p>	<p style="text-align: center;">4</p> <p>1 small.</p> <p>2 And they also did the other side of</p> <p>3 the house. And when they built the garage, the</p> <p>4 garage wasn't originally built attached to the</p> <p>5 house. So they added like two additions that</p> <p>6 mirror the house. The basement has never been</p> <p>7 finished. It's a low ceiling, one of the creepy</p> <p>8 ones. It hasn't been touched since that time.</p> <p>9 Inside it's still olive-colored toilets and</p> <p>06:37:52PM 10 sinks and everything in the house.</p> <p>11 This is the backyard. You can see</p> <p>12 that garage was actually added, that wasn't part</p> <p>13 of the original property. They had a detached</p> <p>14 garage originally going out to the back. And</p> <p>15 then they filled in and extended the driveway in</p> <p>16 the '60s I think is when they did it. And it</p> <p>17 made a very suburban tract-looking house, garage</p> <p>18 added on. There is no detailing on it. The</p> <p>19 rest of the house has some quoin detailing on</p> <p>06:38:21PM 20 the top, this has none. So they didn't even</p> <p>21 match it to the actual house. That's why I took</p> <p>22 that closer-up picture of the property.</p>
<p style="text-align: center;">3</p> <p>1 in that time frame because the right side of the</p> <p>2 house -- And we will get to the inside in a</p> <p>3 minute. This is the outside of the property.</p> <p>4 It's a through lot. The property itself is</p> <p>5 gorgeous.</p> <p>6 The right side of the house when</p> <p>7 you go in, and you'll see a picture, is the</p> <p>8 house ended at those windows. And they framed</p> <p>9 in the fireplace with wood and insulation and</p> <p>06:37:04PM 10 built like a sun room that's 6-feet wide at one</p> <p>11 point, and then it gets a little bit wider when</p> <p>12 the fireplace isn't there. So there is a</p> <p>13 fireplace in what used to be the old external</p> <p>14 inside. I don't know what year they did that.</p> <p>15 It was '60s or '70s, I can't find the permit for</p> <p>16 it. When they framed that in, it's kind of</p> <p>17 interesting, because they put windows on the</p> <p>18 east side of the house. And they are 6 feet</p> <p>19 wide, and the only place you can ever put any</p> <p>06:37:28PM 20 chair or couch is under the windows. So they</p> <p>21 put windows where you can't even look out. It's</p> <p>22 basically become a reading room because it's so</p>	<p style="text-align: center;">5</p> <p>1 The kitchen is not an eat-in</p> <p>2 kitchen. Cabinets and all that are still the</p> <p>3 original stuff that's been there. It's not old</p> <p>4 enough to have any historical significance in</p> <p>5 the type of wood in that. It's thin oak. I can</p> <p>6 almost put my thumbs through it, the battens</p> <p>7 that came out sideways are still the old</p> <p>8 original.</p> <p>9 See, there is nothing special about</p> <p>06:38:47PM 10 the house on doorways or anything along those</p> <p>11 lines. They left everything open. So if this</p> <p>12 house was done as a colonial in the '50s, it</p> <p>13 should really have doors between rooms and the</p> <p>14 like. Everything has been boxed and all the</p> <p>15 doors are all gone that were actually in the</p> <p>16 house, if they were ever in there at one point</p> <p>17 in time.</p> <p>18 This is that room. When you look</p> <p>19 to the left side of it, that's a fireplace that</p> <p>06:39:09PM 20 they actually boxed in. It's an exterior</p> <p>21 fireplace. When you open it up, you can still</p> <p>22 see the cement, you know, bricks from the wall.</p>

<p style="text-align: center;">6</p> <p>1 So I don't know how they did that or got away 2 with it. It's something that wouldn't be 3 allowed today built the way it was built then 4 because, like I said, they just attached 5 insulation to it and put wood around it. 6 That's the bedrooms upstairs. 7 Everything is original. The staircase is 8 actually kind of dangerous and steep, something 9 that probably wouldn't be allowed to be built, 10 the risers, the way they are now. 11 And that's the basement, and that's 12 the nice side of the basement. I walked all 13 over, inside the house. We are back to the 14 original. 15 I did want to show one other thing, 16 which is the rendering of what's being proposed 17 to be built there now is -- I'm trying to open 18 it. This house, which actually fits more, I 19 believe, in the neighborhood. I was very 20 surprised that this 1953 house was named when it 21 was listed when I got the report back from the 22 Village. Because, like I said, I'm not an</p>	<p style="text-align: center;">8</p> <p>1 also going to be also wood. So the whole house 2 is being built in wood framing on the outside 3 with stone on the bottom. And that's what they 4 are proposing to do. It's a really -- They 5 call it light gray. But to me, I really thought 6 it was an off-white to be honest with you when I 7 first saw the picture. It's almost a cream, it 8 was such a light gray, that they are utilizing 9 to build this house. And I believe everyone has 10 a color rendition of it in their packets 11 tonight. 12 They are just trying to maximize 13 the use of the -- It's a beautiful front yard, 14 and it's a beautiful back yard. I really 15 thought this was a really nice piece of 16 property. Like I said, when I went inside the 17 house, I was kind of surprised that no one has 18 ever done anything in 40 years to the inside of 19 this house. 20 MR. PRISBY: Where is the house to the 21 west in relation to the streetscape? Is it 22 pretty much in line with this house?</p>
<p style="text-align: center;">7</p> <p>1 architect; but I grew up in a colonial, that did 2 not look like a colonial when you walked around 3 the inside. All the rooms were chopped up, and 4 they weren't boxed. Things have changed. They 5 weren't built by 2 by 2 or 4 by 4 up and down 6 anymore. The one staircase didn't even -- They 7 went through one room to go to another room when 8 they did the addition upstairs. They went like 9 into the dormer for like closets. They are not 10 rooms. 11 So that's the house as it is now, 12 it was in such very bad shape. They tried to 13 orientate it on the lot the same way, use the 14 back drive coming up through Woodside, facing 15 the house the same way. Three side yard 16 setbacks, you know, they have three frames; not 17 looking for any variances. 18 I brought the product in. It's 19 going to be a light gray. There is actually a 20 buyer for the home already once we get 21 everything going. They are going to cedar 22 shingle the whole house, and then the roof is</p>	<p style="text-align: center;">9</p> <p>1 MR. COULES: Correct. You are not 2 forward. This house is not in front of that 3 house at all. 4 MR. PRISBY: Pretty much lined up? 5 MR. COULES: Pretty much lined up. 6 MR. PRISBY: You can see that on the 7 site plan. 8 MR. COULES: Right. It would be within 9 3 feet, 2 feet. This one might be back a hair 10 more by 2 or 3 feet, but it's not in front 11 actually. 12 MS. WILLIAMS: But doesn't the front 13 porch extend beyond the setback? 14 MR. COULES: No. 15 MS. WILLIAMS: No? Because I couldn't 16 really see it. It looked like it did. 17 MR. COULES: No, it does not. There 18 are no variances, no. 19 MS. WILLIAMS: The porch included is 20 inside? 21 MR. COULES: Correct. They did it that 22 way also. This rendering doesn't show it.</p>

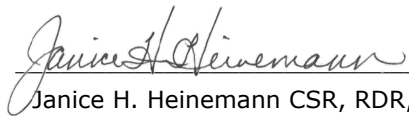
<p style="text-align: center;">10</p> <p>1 That's why I showed the one picture. There is 2 one nice tree. That's why they are doing a 3 curved walkway. There is a very nice oak in the 4 front yard that's being retained. 5 I don't personally think they are 6 going to kill it because it's outside the drip 7 line where the porch and the house starts. It's 8 pretty far back. It's a pretty nice size front 9 yard. 06:43:03PM 10 CHAIRMAN BOHNEN: Thank you, 11 Mr. Coules. 12 Any comments? 13 MS. D'ARCO: I have a comment. 14 CHAIRMAN BOHNEN: Sure. 15 MS. D'ARCO: I think this is a lovely 16 home. It's, I think, reflective of all the 17 newer homes that are being built in the area 18 where you are taking a smaller home on a big lot 19 and building out as much as you can. 06:43:26PM 20 We have seen it on 6th Street, 21 actually by Garber right across the street on 22 the south side of 6th Street, right in the</p>	<p style="text-align: center;">12</p> <p>1 MR. COULES: Right. 2 MS. D'ARCO: The house after that is 3 the Biggert's old house that was landmarked and 4 expanded and preserved. Two smaller houses in 5 between that are brick, and then a colonial on 6 the corner. 7 And so while I think this house is 8 beautiful, I think it just -- It changes the 9 character of the street. And the direction, 06:44:49PM 10 again -- and we pose this question every time we 11 are at these meetings -- is if we are okay 12 having blocks be transformed into this because 13 this is what's happening, then we need to be at 14 peace with that. 15 But I was in this home. I actually 16 live on the block for the record. I live right 17 across the street from this home. I was in the 18 home when the owner died. It was one owner. 19 They raised a family there. No doubt the house 06:45:20PM 20 needs updating, but any house that was built in 21 the '50s is going to need updating. So I don't 22 think that's a legitimate reason to tear down a</p>
<p style="text-align: center;">11</p> <p>1 middle, that used to be an old frame house that 2 sat on the market for a long time. There was no 3 buyers because it was abandoned for a while. 4 MR. COULES: Yes. 5 MS. D'ARCO: I think there was damage 6 to the house to the point where I think that it 7 needed to probably get torn down. 8 But the streetscape, there is not a 9 house on that block that looks like this other 06:43:48PM 10 than the newer home that Garber just built. 11 Everything else, I would say the house next to 12 the Garber's, which was the Rancic's home a few 13 years ago, that was probably the newest home on 14 the block. And the one on the corner, but 15 that's a more modest size. 16 So when I look at the streetscape 17 on the north side of 6th Street, there is no 18 home that looks like this. They are all smaller 19 homes; or some are bigger but where there is 06:44:20PM 20 land, and these houses all are unique in 21 character. They are all brick. The house next 22 to this house is a Zook home.</p>	<p style="text-align: center;">13</p> <p>1 home when our goal is to preserve. Anything 2 that's built in the late '50s can be considered 3 historical. It doesn't have to be 100 years 4 old. 5 So I guess my concern, and I will 6 pose this to the rest of the committee, is we 7 are going to -- If you go down that street, 8 there are probably other houses that will get 9 torn down because we are setting a precedent and 06:45:51PM 10 we are allowing it to happen. It's a coveted 11 street because it's a brick-paved road. It's in 12 a nice block. 13 So I'm just concerned. I welcome 14 new homes. I think they can help appreciate 15 everyone's property on the block. You know, it 16 just brings an added element of beauty to the 17 street. But if that's what we are going for, 18 then I think we need to figure that out because, 19 you know, it's a tough one. It's a tough one. 06:46:25PM 20 I understand, you know, that the house needs 21 updates. I get it. But so do all old homes. 22 MR. COULES: I understand that but --</p>

<p style="text-align: center;">14</p> <p>1 MS. D'ARCO: Do we just tear them down</p> <p>2 because --</p> <p>3 MR. COULES: Yes. I have been in many</p> <p>4 old homes that I think are worth preserving.</p> <p>5 But this old home, I don't believe it's all that</p> <p>6 old. But this home when you went through it</p> <p>7 with the way it's chopped up inside, truthfully</p> <p>8 the rooms were really small when they did those</p> <p>9 two additions, one on each end. And it's a 3-</p> <p>06:46:53PM 10 bedroom home with 2 baths.</p> <p>11 MS. D'ARCO: Right.</p> <p>12 MR. COULES: No, no ability at all to</p> <p>13 finish the basement. The ceiling is not even</p> <p>14 high enough to finish it. They built a basement</p> <p>15 ceiling that unfinished is under 6'2". Yes.</p> <p>16 So that's why I'm saying, I don't</p> <p>17 know how -- The permitting process today would</p> <p>18 never have allowed either of those additions to</p> <p>19 be built the way it was, and they would be in</p> <p>06:47:17PM 20 front of you. And I think it would be more of a</p> <p>21 livable house. I was very surprised by how</p> <p>22 chopped up and actually beat up this house was</p>	<p style="text-align: center;">16</p> <p>1 If we want to be in the</p> <p>2 preservation business, you know, there is</p> <p>3 conflicting interests with economic interests;</p> <p>4 right? And so I just, I'm just concerned as to,</p> <p>5 it continues to happen, continues to happen.</p> <p>6 And I think we just need to ask ourselves how we</p> <p>7 are going to proceed here because --</p> <p>8 MR. COULES: I think the only security</p> <p>9 you really have on this property -- And I agree</p> <p>06:48:37PM 10 that this lot is very coveted, it's a gorgeous</p> <p>11 lot.</p> <p>12 MS. D'ARCO: Beautiful lot.</p> <p>13 MR. COULES: With having three faces on</p> <p>14 it, there is only so much they can actually</p> <p>15 build on this lot. This lot can't even be</p> <p>16 maximized.</p> <p>17 MS. D'ARCO: Well, it would go up.</p> <p>18 MR. COULES: They are not even going</p> <p>19 up.</p> <p>06:48:51PM 20 MS. D'ARCO: Well, this doesn't look</p> <p>21 high. But relative to everything else on the</p> <p>22 street, it's high because even the new home on</p>
<p style="text-align: center;">15</p> <p>1 besides just saying you need to replace toilets</p> <p>2 and sinks and that. There is nothing you can do</p> <p>3 with that right side, that doesn't even meet</p> <p>4 code as far as I'm concerned with the way it's</p> <p>5 built.</p> <p>6 MS. D'ARCO: I agree. It's a small</p> <p>7 home.</p> <p>8 MR. COULES: Yes.</p> <p>9 MS. D'ARCO: With today's standards,</p> <p>06:47:37PM 10 you need to rehab, rebuild that house, rehab and</p> <p>11 expand if you want to preserve it.</p> <p>12 MR. COULES: Correct.</p> <p>13 MS. D'ARCO: But it's possible to</p> <p>14 expand, preserve and expand, because they have</p> <p>15 the space. It is a through street. It goes all</p> <p>16 the way to Woodside. I mean that is a</p> <p>17 wonderful, dreamy lot for a lot of people.</p> <p>18 And I guess what I'm seeing is lots</p> <p>19 being bought in southeast -- call it for a</p> <p>06:48:01PM 20 million plus, and then being sold at 3 or 4.</p> <p>21 And, you know, it's -- This is the price we are</p> <p>22 paying, right?</p>	<p style="text-align: center;">17</p> <p>1 the other -- on the south side of 6th Street</p> <p>2 looks really grand. It looks very tall.</p> <p>3 MR. COULES: Yes, it does look tall.</p> <p>4 MS. D'ARCO: It's looks huge. It's</p> <p>5 beautiful, but it's not in line with everything</p> <p>6 else on the street, you know, on the street. So</p> <p>7 it's like, wow, there is a brand-new big house;</p> <p>8 and everything else has been here for a while.</p> <p>9 So, you know, I don't know. I don't know. Just</p> <p>06:49:18PM 10 food for thought.</p> <p>11 John, you know the street very</p> <p>12 well.</p> <p>13 MS. WILLIAMS: Well, I think you make a</p> <p>14 good point because our job is to preserve the</p> <p>15 character of the district. And we are not</p> <p>16 focusing necessarily on this one particular</p> <p>17 home, we have to focus on the district. So you</p> <p>18 are looking for more compatible construction.</p> <p>19 New construction should be more compatible. I</p> <p>06:49:42PM 20 think that's even spelled out in our purpose.</p> <p>21 MR. COULES: Yes.</p> <p>22 MS. WILLIAMS: I think that's where you</p>

<p style="text-align: right;">18</p> <p>1 are going with the whole conversation. And</p> <p>2 again, it's not this individual house. It is</p> <p>3 this plan in the district that I think you and I</p> <p>4 also have a concern with.</p> <p>5 MS. D'ARCO: I feel like we are kind of</p> <p>6 at a crossroads with --</p> <p>7 MS. WILLIAMS: Yes. Yes. I agree. I</p> <p>8 agree. And with the brick street, what is</p> <p>9 compatible about this house on that street in</p> <p>06:50:10PM 10 that district? And the only reason why we are</p> <p>11 even looking at this is because it is a historic</p> <p>12 district, which makes me wonder if architects</p> <p>13 when they come to design homes in the historic</p> <p>14 district if they even consider that a factor;</p> <p>15 and I don't know.</p> <p>16 MS. D'ARCO: No.</p> <p>17 MS. WILLIAMS: But from what we have</p> <p>18 seen, you have to ask yourself do they even</p> <p>19 realize it's in a historic district before they</p> <p>06:50:34PM 20 start to draw.</p> <p>21 CHAIRMAN BOHNEN: Was this home</p> <p>22 designed for an end user?</p>	<p style="text-align: right;">20</p> <p>1 CHAIRMAN BOHNEN: In fact, they are</p> <p>2 taking all the red brick houses and painting</p> <p>3 them white.</p> <p>4 MR. COULES: That is true.</p> <p>5 CHAIRMAN BOHNEN: Yes.</p> <p>6 MS. D'ARCO: Even the new ones.</p> <p>7 CHAIRMAN BOHNEN: Just about every red</p> <p>8 brick house in town is subject to a paint job</p> <p>9 these days. But it's unfortunate that we find</p> <p>06:51:28PM 10 ourselves living in a society with a bunch of</p> <p>11 lemmings where everybody runs after the one in</p> <p>12 front of them; and all the sudden they realize</p> <p>13 there is a cliff there, and they turn and go the</p> <p>14 other away.</p> <p>15 We are going to be sick and tired</p> <p>16 of board and batten white houses with black</p> <p>17 windows, if we are not already. We are going to</p> <p>18 be sick of red brick houses painted white, if we</p> <p>19 are not already; and it's a problem.</p> <p>06:51:53PM 20 MR. COULES: And I agree, and to</p> <p>21 Janice's point, I agree it's a huge problem when</p> <p>22 people pay the kind of money they do for these</p>
<p style="text-align: right;">19</p> <p>1 MR. COULES: Yes.</p> <p>2 CHAIRMAN BOHNEN: So it was a committed</p> <p>3 end user at the beginning, and this is the home</p> <p>4 that they designed?</p> <p>5 MR. COULES: Correct.</p> <p>6 CHAIRMAN BOHNEN: It wasn't halfway</p> <p>7 down the road and somebody came upon the</p> <p>8 project?</p> <p>9 MR. COULES: I do not know that answer.</p> <p>06:50:53PM 10 MS. D'ARCO: I don't think that this</p> <p>11 has closed, has it?</p> <p>12 MR. COULES: To the end user?</p> <p>13 MS. D'ARCO: The sale of this property.</p> <p>14 MR. COULES: To the end user?</p> <p>15 MS. D'ARCO: Yes.</p> <p>16 MR. COULES: No. They are under</p> <p>17 contract.</p> <p>18 MS. D' Arco: Yes.</p> <p>19 CHAIRMAN BOHNEN: Well, it's a</p> <p>06:51:08PM 20 conundrum because people are not building red</p> <p>21 brick, federal-type houses.</p> <p>22 MR. COULES: Correct.</p>	<p style="text-align: right;">21</p> <p>1 lots, they have to built out a property. I</p> <p>2 actually think that this house -- If this lot</p> <p>3 was on a different block, and it wasn't on a</p> <p>4 corner, this house could be 800 to 1,000 more</p> <p>5 square feet without batting an eye.</p> <p>6 But by being on a corner, it</p> <p>7 shrinks it up. And the way they pushed -- They</p> <p>8 have left a huge back yard. You can see, they</p> <p>9 left a whole back yard. They are not really</p> <p>06:52:24PM 10 increasing very much at all the footprint of the</p> <p>11 existing home that's there now. But they are</p> <p>12 utilizing the space a little more by filling in</p> <p>13 what used to be -- There are some outdoor</p> <p>14 patios that are there now that are all different</p> <p>15 level decks that were built over time. There is</p> <p>16 a wood one in the middle. There is a cement one</p> <p>17 to the left, that area is being filled in; but</p> <p>18 that already is impervious surface. They are</p> <p>19 not really increasing a lot of the use of that</p> <p>06:52:46PM 20 property.</p> <p>21 CHAIRMAN BOHNEN: I think what I'm</p> <p>22 hearing is the concern of the Commission is not</p>

<p style="text-align: center;">22</p> <p>1 so much --</p> <p>2 MS. D'ARCO: The actual house.</p> <p>3 CHAIRMAN BOHNEN: -- the actual houses.</p> <p>4 MR. COULES: The style.</p> <p>5 CHAIRMAN BOHNEN: The compatibility of</p> <p>6 it. And you would have to go to the next block</p> <p>7 to Oak Street and 6th, the one that burned, to</p> <p>8 find the next wood frame house of this size.</p> <p>9 MR. COULES: Correct.</p> <p>06:53:13PM 10 MS. WEINBERGER: And it's one of our</p> <p>11 brick streets, which is --</p> <p>12 CHAIRMAN BOHNEN: I agree.</p> <p>13 MS. D'ARCO: I just walked that street.</p> <p>14 I mean there is only --</p> <p>15 MR. GONZALEZ: Do you have any idea why</p> <p>16 they decided to go with this Texan style?</p> <p>17 MR. COULES: No.</p> <p>18 MR. GONZALEZ: Because sometimes it's</p> <p>19 hard. I hear from time to time that these white</p> <p>06:53:31PM 20 houses are basically driven by Realtors</p> <p>21 according to when -- When you ask the</p> <p>22 architect, the architect says, Well, the</p>	<p style="text-align: center;">24</p> <p>1 MS. D'ARCO: Well, you've got a Zook</p> <p>2 home next door. That's historical.</p> <p>3 CHAIRMAN BOHNEN: You have a Zook home</p> <p>4 next to it. You have a ranch. Then you have</p> <p>5 Biggert's. Then you have a red brick home.</p> <p>6 MR. COULES: The one between Zook and</p> <p>7 Biggert's, yes.</p> <p>8 CHAIRMAN BOHNEN: So this departs from</p> <p>9 the continuity of that block. I have to agree</p> <p>10 with that.</p> <p>11 MR. COULES: I just don't see that you</p> <p>12 ever will have someone walk back in and build a</p> <p>13 colonial on that property personally. Maybe I'm</p> <p>14 wrong. I just don't see people building the red</p> <p>15 brick. I agree with you. I grew up in a small</p> <p>16 one. I grew up in a colonial and was very</p> <p>17 happy. This is just not what people --</p> <p>18 CHAIRMAN BOHNEN: I don't think this</p> <p>19 house is rehabable.</p> <p>06:54:45PM 20 MR. COULES: No, it's not.</p> <p>21 CHAIRMAN BOHNEN: I don't think that's</p> <p>22 a reasonable suggestion. I think from what I</p>
<p style="text-align: center;">23</p> <p>1 developer wanted that one. When you ask the</p> <p>2 developer, he says, Well, my Realtor suggested</p> <p>3 that because that sells.</p> <p>4 MR. COULES: This is not a spec home.</p> <p>5 MR. GONZALEZ: No, no. I'm just making</p> <p>6 an example. I'm not saying --</p> <p>7 MR. COULES: I agree with you on that.</p> <p>8 They all want to build --</p> <p>9 MR. GONZALEZ: I'm not saying this is</p> <p>06:53:51PM 10 for that specific. Because I see this house,</p> <p>11 and I think that would look great in Nantucket;</p> <p>12 so it's a completely different style.</p> <p>13 CHAIRMAN BOHNEN: We are back to the</p> <p>14 Tiburan coastal look, which we got saturated</p> <p>15 with up on the north side for years.</p> <p>16 MR. GONZALEZ: Yes.</p> <p>17 MR. COULES: This is a Nantucket-</p> <p>18 looking home. I agree with Frank on that.</p> <p>19 MS. D'ARCO: And I like the Nantucket.</p> <p>06:54:16PM 20 CHAIRMAN BOHNEN: It's interesting to</p> <p>21 me that all the homes on the north side of that</p> <p>22 block were deemed significant by --</p>	<p style="text-align: center;">25</p> <p>1 can garner, this house probably has lived its</p> <p>2 usefulness. And it was cobbled up a little</p> <p>3 along the way. And so the fact that it's coming</p> <p>4 down is probably a fact of life. It's just when</p> <p>5 we get all done building this how has it</p> <p>6 affected our block and our streetscape.</p> <p>7 MR. COULES: It's easier for me to</p> <p>8 stand up here and say that there is at least</p> <p>9 somebody who is going to be living there who has</p> <p>06:55:38PM 10 picked this house for themselves. This is not a</p> <p>11 spec. I think with specs there is a lot more</p> <p>12 leeway.</p> <p>13 But I agree with you, there is</p> <p>14 often the same plan over and over and over</p> <p>15 again.</p> <p>16 MS. D'ARCO: Maybe the other option was</p> <p>17 like maybe not a brick colonial but some type of</p> <p>18 brick or stone -- I don't know.</p> <p>19 MR. GONZALEZ: Or stone or something,</p> <p>06:55:57PM 20 maybe a different material?</p> <p>21 MS. D'ARCO: It just doesn't -- This</p> <p>22 home is going to pop on that street.</p>

<p style="text-align: center;">26</p> <p>1 MR. GONZALEZ: That means that the</p> <p>2 buyer, whoever is the buyer, potential buyer,</p> <p>3 would say, Oh, that looks different. I don't</p> <p>4 know what they would say. I'm sure they have</p> <p>5 seen a number of renderings, this is just one of</p> <p>6 many.</p> <p>7 CHAIRMAN BOHNEN: It's a handsome</p> <p>8 house. It just isn't in the right spot.</p> <p>9 MS. D'ARCO: Right.</p> <p>06:56:18PM 10 MS. WILLIAMS: It's just not compatible</p> <p>11 in the historic district. That's,</p> <p>12 unfortunately, the issue here.</p> <p>13 And without design review</p> <p>14 guidelines or possibly even knowledge that the</p> <p>15 owner or architect had that they were dealing</p> <p>16 with a historic district property, you know, you</p> <p>17 get houses that are possibly not compatible.</p> <p>18 MS. WEINBERGER: We have this</p> <p>19 conversation all the time. We need to get in</p> <p>06:56:47PM 20 front of it. We are behind it. We need to get</p> <p>21 in front of this somehow.</p> <p>22 MR. PRISBY: Well, notice I'm not</p>	<p style="text-align: center;">28</p> <p>1 MR. COULES: On a whole separate note</p> <p>2 on your point there, which has nothing to do</p> <p>3 with this house, some towns have gone to waiving</p> <p>4 permit fees if people build what they want.</p> <p>5 CHAIRMAN BOHNEN: Is that right?</p> <p>6 MR. COULES: They have.</p> <p>7 CHAIRMAN BOHNEN: I'm sure you have to</p> <p>8 incentivize people.</p> <p>9 MR. COULES: Yes. That's what some</p> <p>06:58:16PM 10 towns are getting ahead of if they have very old</p> <p>11 areas. Rare but it's happening.</p> <p>12 CHAIRMAN BOHNEN: We don't have things</p> <p>13 in place right now, and it's unfortunate we</p> <p>14 haven't reconstituted earlier. But hopefully,</p> <p>15 we are in the process for getting that done for</p> <p>16 2019.</p> <p>17 But in any event, that all being</p> <p>18 said, do we have any other comments about this</p> <p>19 house?</p> <p>06:58:40PM 20 MS. D'ARCO: No.</p> <p>21 MS. WEINBERGER: I just want to say,</p> <p>22 you spoke very well on this piece. That was a</p>
<p style="text-align: center;">27</p> <p>1 saying anything?</p> <p>2 MS. WEINBERGER: I did it for you this</p> <p>3 time.</p> <p>4 CHAIRMAN BOHNEN: And I would also</p> <p>5 remind you that it was not so long ago that we</p> <p>6 had a design review commission and that</p> <p>7 addressed just these kinds of things. For</p> <p>8 whatever reason, recession or I'm not really</p> <p>9 remembering exactly what, that commission kind</p> <p>06:57:17PM 10 of went by the by.</p> <p>11 But there were incentives that that</p> <p>12 commission would give builders if they would go</p> <p>13 to our historic society and go into the archives</p> <p>14 and see what Hinsdale liked and why they liked</p> <p>15 it. And the premise was a very good premise for</p> <p>16 the commission. I don't know why that fell.</p> <p>17 Through no fault of its own, I know that.</p> <p>18 So as we are reconstituting the</p> <p>19 preservation ordinance, which I will speak to</p> <p>06:57:52PM 20 later this evening, it may very well be that we</p> <p>21 should expand our purview a little bit to</p> <p>22 incorporate some design review.</p>	<p style="text-align: center;">29</p> <p>1 very well-said, important comment. I appreciate</p> <p>2 it.</p> <p>3 MS. D'ARCO: Thank you. I mean I think</p> <p>4 it's reality. It's not something that you or I</p> <p>5 or any of us can change at this point in time.</p> <p>6 And it's, you know, without -- Lacking some of</p> <p>7 these guidelines, without contractors and</p> <p>8 architects being educated on it, there is not</p> <p>9 much we can do right now today.</p> <p>06:59:14PM 10 But I see this as a two-part,</p> <p>11 right? You approve the demolition, and then</p> <p>12 approve the proposed plan so we can vote.</p> <p>13 We are going to vote on the</p> <p>14 demolition of the home, one. And then two is</p> <p>15 the proposed plan for the house.</p> <p>16 (Enter Mr. Bill Haarlow.)</p> <p>17 CHAIRMAN BOHNEN: So that all being</p> <p>18 said, are we prepared to have a motion at this</p> <p>19 point?</p> <p>06:59:57PM 20 MS. D'ARCO: I could motion to demolish</p> <p>21 the house, tear down.</p> <p>22 CHAIRMAN BOHNEN: Is there a second,</p>

<p style="text-align: right;">30</p> <p>1 please.</p> <p>2 MR. GONZALEZ: Second.</p> <p>3 CHAIRMAN BOHNEN: All in favor?</p> <p>4 (A chorus of ayes.)</p> <p>5 CHAIRMAN BOHNEN: Okay. Next phase.</p> <p>6 MS. D'ARCO: I motion not to approve</p> <p>7 the proposed plan for the home. The current</p> <p>8 design, I just don't believe it's in line with</p> <p>9 this current streetscape.</p> <p>07:00:28PM 10 MR. COULES: Can you, please, make that</p> <p>11 motion as a positive and then vote negative?</p> <p>12 Otherwise --</p> <p>13 MS. D'ARCO: Then I can't. Why doesn't</p> <p>14 someone else start with a positive and then --</p> <p>15 MR. COULES: No, because that's what</p> <p>16 you are supposed to, obviously, in Robert's</p> <p>17 Rules, I thought you are to make it as a vote to</p> <p>18 approve; and then you vote no, if you want to</p> <p>19 vote no.</p> <p>07:00:45PM 20 MS. D'ARCO: Then somebody else who is</p> <p>21 going to approve it --</p> <p>22 MR. COULES: Am I right, Chan?</p>	<p style="text-align: right;">32</p> <p>1 MS. WILLIAMS: Aye.</p> <p>2 CHAIRMAN BOHNEN: Opposed?</p> <p>3 MR. PRISBY: Nay.</p> <p>4 CHAIRMAN BOHNEN: Motion is denied.</p> <p>5 MR. COULES: No. The motion is</p> <p>6 granted.</p> <p>7 CHAIRMAN BOHNEN: The motion is</p> <p>8 granted.</p> <p>9 MR. COULES: That's why I wanted to</p> <p>07:01:45PM 10 keep it that way.</p> <p>11 CHAIRMAN BOHNEN: The motion to deny is</p> <p>12 granted.</p> <p>13 MR. COULES: That's why I wanted to</p> <p>14 keep it straight. Thank you.</p> <p>15 CHAIRMAN BOHNEN: Thank you,</p> <p>16 Mr. Coules.</p> <p>17 We will now close the public</p> <p>18 hearing.</p> <p>19 * * *</p> <p>20 (Which were all the proceedings had</p> <p>21 in the above-entitled cause.)</p> <p>22</p>
<p style="text-align: right;">31</p> <p>1 MR. YU: You can make a motion to deny</p> <p>2 it.</p> <p>3 MR. COULES: Okay.</p> <p>4 MR. YU: Yes.</p> <p>5 MS. D'ARCO: So I motion to deny the</p> <p>6 proposed plan.</p> <p>7 MR. COULES: Thank you.</p> <p>8 MS. D'ARCO: Given that on the grounds</p> <p>9 that it doesn't feel like it's compatible with</p> <p>07:01:03PM 10 the current streetscape.</p> <p>11 And the reason, and I just want to</p> <p>12 preface this by saying that it's not the house</p> <p>13 itself, I don't have an issue with the home.</p> <p>14 It's more the process that we are going through,</p> <p>15 and that's pretty much it so --</p> <p>16 MS. WEINBERGER: Second.</p> <p>17 CHAIRMAN BOHNEN: We have a motion and</p> <p>18 a second.</p> <p>19 All those in favor for the motion,</p> <p>07:01:29PM 20 please say aye.</p> <p>21 MR. GONZALEZ: Aye.</p> <p>22 MS. WEINBERGER: Aye.</p>	<p style="text-align: right;">33</p> <p>STATE OF ILLINOIS)</p> <p style="text-align: center;">) ss.</p> <p>COUNTY OF DU PAGE)</p> <p>I, JANICE H. HEINEMANN, CSR, RDR, CRR,</p> <p>do hereby certify that I am a court reporter</p> <p>doing business in the State of Illinois, that I</p> <p>reported in shorthand the testimony given at the</p> <p>hearing of said cause, and that the foregoing is</p> <p>a true and correct transcript of my shorthand</p> <p>notes so taken as aforesaid.</p> <p style="text-align: right;">  Janice H. Heinemann CSR, RDR, CRR License No 084-001391 </p>

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MEMORANDUM

DATE: January 9, 2019

TO: Chairman Bohnen and Historic Preservation Commissioners

CC: Kathleen A. Gargano, Village Manager
Robb McGinnis, Director of Community Development/Building Commissioner

FROM: Chan Yu, Village Planner 

RE: Discussion Item - Village of Hinsdale Historic Preservation Regulations Review

Summary

During the summer of 2018 a review of the Village's Historic Preservation regulations was conducted. Two of the main objectives of the analysis were to examine the Certificate of Appropriateness and landmark withdrawal processes. As a result of this review, a report was prepared (See Attachment 1, Village of Hinsdale Historic Preservation Regulations Review) and forwarded to the trustees for comment.

As a result of these discussions, it is being suggested that a number of recommendations from the report be implemented. The remainder of this memorandum will identify and describe the proposed amendments to the historic preservation regulations. The proposed changes to the regulations are broken down into two categories, Certificates of Appropriateness and Landmark Withdrawal. The final section of the report addresses establishment of a new type of landmark designation.

Request and Analysis

Certificate of Appropriateness

1. Costs associated with consideration of a Certificate of Appropriateness (CofA) – currently the fee for a CofA is \$50. It is recommended that a new fee amount of \$800 be established to cover the Village's costs associated with CofA. Of this total \$350 would be the application fee and \$450 would be an escrow to cover the costs related to the preparation and publication cost of legal notice, recording and preparation of minutes and, drafting of formal findings.
2. Properties to be subject to a CofA review – CofA reviews should be limited to only the following types of properties:
 - a. Contributing structures in the Robbins Park Historic District (232 properties).
 - b. All structures in the Downtown Historic District (74 properties).
 - c. Individually designated landmarks (28 properties).

Based on this change, it would eliminate 136 non-contributing structures in the Robbins Park Historic District from being subject to CofA reviews.

3. Additional CofA relief for contributing structures and individually designated structures – only proposed improvements that are visible from the public right-of-way would be subject to CofA



MEMORANDUM

review by the Historic Preservation Commission (HPC). All other CofA requests would be subject to review and approval by staff. Patios and fences would not require a CofA.

4. Appeals of HPC denials of CofA – it is being recommended that the HPC has final approval authority over granting or denying all CofA. Currently, its authority is final only in the case of individual historic landmarks; HPC authority is only advisory for structures in the two historic districts.

Although expanding the HPC decision making authority to include all final approvals, an appeal process to the Village Board is necessary. To accomplish this it is recommended that specific standards for considering appeals be established. The standards include the following:

- a. No new evidence can be presented in front of the Village Board.
- b. An applicant must file an appeal within 30 days of the date of the HPC decision.

Withdrawal of Landmark Designation

1. Conditions for Withdrawal – it is being recommended that Section 14-4-1 Conditions for Withdrawal be amended to add the following requirements. More specifically, the following items relate to a withdrawal based on financial hardship.
 - a. Submittal of the following documents.
 - i. Federal Tax returns from the previous three (3) calendar years.
 - ii. Proof that the property has been on the market for a minimum of the previous 12 months.
 - b. The property has not benefitted from the State of Illinois Property Tax Assessment Freeze Program.

Finally, with respect to process, requests for withdrawal will be reviewed by the Village Manager, the chair of the Zoning and Public Safety, and the chair of the Historic Preservation Commission with their recommendation subsequently considered by the Village Board. This differs from the current procedure in which the HPC considers withdrawal requests, with its recommendations then forwarded to the Village Board.

New Landmark Designation

1. Establish a new landmark category – in order to accomplish the dual goals of encouraging property owners to landmark their properties and at the same time lessening the requirements governing them, i.e. withdrawal, it is recommended that a new category of landmarks be established. This would be an “honorary landmark designation”. The benefit of this type of honorific status would allow for historic designation without the being subject to CofA and withdrawal requirements.
2. Standards for granting honorary landmark – at a public hearing the HPC shall review all information presented to it and adopt a recommendation as to whether a property has features in its of its exterior architectural appearance that should be protected and preserved;



MEMORANDUM

Process

Once the recommendations are reviewed and approved by the HPC, staff will incorporate the changes into Title 14 and bring it back for review and any further comment.

Attachments:

Attachment 1 – Village of Hinsdale Historic Preservation Regulations Review

VILLAGE OF HINSDALE HISTORIC PRESERVATION REGULATIONS REVIEW

I. Objective

Conduct a review and analysis of the Village's Historic Preservation Regulations as designated in Title 14 of the Village Code (See Attachment A), with particular focus on the Certificates of Appropriateness (CofA) and landmark withdrawal processes.

II. Methodology

The methodology used in the review and analysis was two-fold, first was a review the Village Code (Code) and the Village's past practices related to historic preservation activities. The second set of activities was to examine other neighboring and compatible municipalities to determine how each treated CofA and landmark withdrawals. Following is a summary of the steps involved with each review and analysis.

1. *Village of Hinsdale Activity*

- a. Attended the May 2018 Historic Preservation Committee (HPC) where a presentation was made by Landmarks Illinois concerning historic preservation.
- b. Met with Chair of Village HPC.
- c. Analyzed CofA data from 1/17 to 6/18.
- d. Reviewed previously tabulated building permit data on landmarked properties.
- e. Reviewed data for all individually designated landmarks and historic districts.
- f. Reviewed data for withdrawn landmarks.

2. *Review of Other Municipal Historic Preservation Regulations*

- a. Historic preservation regulations from the following 12 municipalities were reviewed: Downers Grove, Evanston, Glencoe, Glen Ellyn, Highland Park, Lake Forest, Naperville, Oak Park, River Forest, Riverside, Wilmette and Winnetka. These municipalities were chosen due to their extensive historic preservation programs as well as in some cases, proximity to the Village.
- b. Data from individual municipalities was compiled and put into a series of matrices. Individual matrices for landmark withdrawals and CofA are included in this report (See Attachments B thru D).

III. Analysis – Historic Landmarks and Historic Districts

1. *Historic Landmarks and Historic Districts in Village of Hinsdale*

Pursuant to Section 14-3-1 of the Code, an individual structure, building, or site can be designated as a landmark, or an area can be designated as an historic district.

Following is a table of individually designated landmarks including two types, ones which are locally designated and those on the National Register of Historic Places

TYPES OF LANDMARKS	NUMBER OF LANDMARKS
Locally Designated Landmarks	22
National Register of Historic Places Landmarks	6
TOTAL	28

Following are additional details pertaining to individually designated landmarks:

- Ninety percent (90%) of the individually designated landmarks were nominated between 2001–2007;
- Since 2007, only two properties have been designated as local landmarks, one in 2013 and another in 2016;
- Individually designated landmarks have been withdrawn on two properties – 244 E. First St. and 319 N. Washington St. With respect to the Washington St. property, it was originally landmarked in 2001 and withdrawn in 2014. As for 244 E. First St., it was initially landmarked in 2002 and withdrawn in 2018.

In addition to the individually designated landmarks, the Village has two historic districts, both of which are on the National Register of Historic Places. The National Register of Historic Places is a federal program, under the jurisdiction of the U.S. Department of the Interior. This program designates buildings, structures or sites that are deemed worthy of preservation for their historic significance based on the history and architecture of a geographic area. Additionally, a district must possess integrity with respect to its location, its association with significant persons and events, as well as the construction type, method or design and the period it was built. The first district, established in 2006, is the Downtown District which consists of approximately six blocks encompassing the Village's commercial area. The second district is Robbins Park which is a residential area and was established in 2008.

All buildings in the Downtown and Robbins Park districts are classified as either Contributing or Noncontributing structures. A Contributing structure is one that is significant with respect to being associated with an historic event or person, or its architecture. A Noncontributing structure is one that does not meet the criteria for a Contributing one; in other words, it is not associated with an historic event or person and is not architecturally significant (See #1 and #2 below for definitions from U.S. Dept. of the Interior). The following table identifies the number of Contributing/Noncontributing structures in the two historic districts.

DISTRICT	# OF CONTRIBUTING STRUCTURES*	# OF NONCONTRIBUTING STRUCTURES*	TOTAL
Downtown	61	13	74
Robbins Park	232	136	368
TOTAL	293	149	442

*The number of Contributing and Noncontributing Structures was determined as part of the Village's Reconnaissance Survey of historic buildings in 1999 and updated for its applications for federal Historic District designation in 2006 for

the Downtown Historic District and in 2008 for the Robbins Park Historic District.

(1) Contributing – defined by the U.S. Dept. of the Interior as: A building, site, structure, or object adding to the historic significance of a property.

(2) Noncontributing – defined by the U.S. Dept. of the Interior as: A building, site, structure, or object that does not add to the historic significance of a property.

2. Landmarks and Historic Districts in Other Municipalities

As mentioned in the Methodology section, matrices were developed in order to group and summarize how the Village and 12 other municipalities address landmarks and historic districts. Attached are two matrices – Municipality Matrix-Landmarks (Attachment B), Municipality Matrix-Historic Districts (Attachment C) - each of which details this data by municipality. Following is a summary of relevant factors that were garnered from this review.

- With respect to designation of individual landmarks, in all 12 municipalities recommendations to nominate buildings are made by an advisory commission (historic preservation related), prior to consideration by the village board/city council, which has final approval/denial authority.
- As to designation of historic districts, the same process holds true as to that of individual landmarks. Recommendations to nominate a district are made by an advisory commission prior to consideration by the village board/city council, which has final approval/denial jurisdiction.
- Of the 12 municipalities, nine allow for individual landmarks to be withdrawn. All follow a similar process which requires an initial review and recommendation by an advisory commission, followed by village board/city council consideration. (For additional details see Column 5 of Attachment B).
- With respect to historic districts, of the 12 municipalities, three allow them to be withdrawn. All follow a similar process which first requires review and recommendation by an advisory commission, followed by village board/city council consideration. (For additional details see Column 5 of Attachment C).

IV. Analysis – Certificates of Appropriateness, General

1. Certificates of Appropriateness – Village of Hinsdale Requirements.

Pursuant to Section 14-5-1 of the Code (See Attachment A), “No alteration shall be allowed to, and no permits shall be issued for, the alteration, demolition, signage, or any other physical modifications of the exterior architectural appearance of the designated landmark without the prior issuance of a certificate of appropriateness...” This requirement holds true for individually designated landmarks, as well as all structures (Contributing and Noncontributing) in Historic Districts.

The requirements pertaining to CofA are identified in Sections 14-5-2 thru 14-5-5 of the Code. Following is a summary of CofA requirements/process:

- Section 14-5-2 sets forth the criteria necessary to obtain a CofA, this includes General and Design Standards.
- Section 14-5-3 identifies the formal application submittal requirements.
- Section 14-5-4 delineates the application review process.
- Section 14-5-5 details the role of the HPC.
 - It should be noted that any HPC decision is advisory for properties located in an historic district. However, HPC decisions for individually designated landmarks are binding.

2. *Certificate of Appropriateness – Other 12 Municipalities Requirements*

As with landmarks and historic districts, the CofA regulations/process of 12 municipalities were examined. (For additional details see Attachment D). Following is a summary the review:

- All municipalities have an advisory commission (similar to the Village's HPC) responsible for review of CofA. This includes reviews of all individually designated landmarked properties as well as those in historic districts.
- With the exception of one municipality, all require CofA for construction, demolitions, additions and exterior alterations. (See Column 6 of Attachment D).
- In nine of the municipalities, CofA reviews are mandatory for individually designated landmarks as well as those in historic districts. By mandatory it means that the advisory commission must approve the CofA. In the remaining three municipalities, the review by the advisory commission is only advisory and not binding.

V. Analysis – Certificates of Appropriateness, Hinsdale

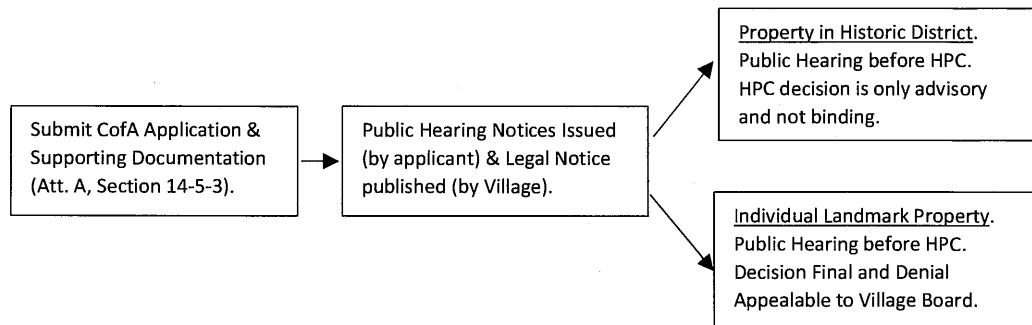
1. *Applications Reviewed by Hinsdale HPC*

As mentioned in Section IV above, all individually designated landmarks and properties in historic districts, where alterations, or modifications of the exterior architectural appearance of a structure are proposed, a CofA is required. Based on the number of individually designated landmarks and those properties in the two historic districts, approximately 460 structures would be subject to a CofA review.

Following is a discussion of recent CofA activity in the Village which has been broken out by the type of improvement – new construction, demolition, additions, and alterations. The data comes from an 18 month period from January 2017 to June 2018.

Before discussing the individual activity based on the type of improvement, following is a chart identifying the Village's CofA approval process. This process takes approximately two months.

CERTIFICATE OF APPROPRIATENESS REVIEW PROCESS



2. Construction & Demolition

In 2017, the HPC reviewed 15 CofA applications, 14 of which were residential properties in Robbins Park and one commercial project in the Downtown district. In the first six months of 2018, the HPC reviewed four CofA, all of which were in Robbins Park. This translates into an average of 11 CofA applications per year subject to HPC review. In that all properties were in historic districts, all HPC decisions were advisory and therefore non-binding.

3. Additions & Alterations

To date, it has been Village policy not to require additions and exterior alterations to properties that are individually designated landmarks, or located in the Robbins Park Historic District to be subject to the CofA review process.

Although additions/alterations to date have not been subject to CofA review, this report did analyze the potential impact if such reviews were done in the future. In order to conduct this analysis previously collected building permit data from 2015 was analyzed. The data revealed that eight permits were issued for exterior alterations; this includes seven permits for additions, and one for an exterior alteration (front porch). All these permits were for properties located in the Robbins Park Historic District.

4. Conclusion

Based on the data discussed above, if the HPC were to review CofA for all construction, demolitions, additions and exterior alterations on individually landmarked properties and those in the historic districts, it would result in an estimated 20 CofA applications being reviewed annually. Of that 20, half would be for new construction and demolition and the other half for additions and exterior alterations. This would increase the number of CofA applications by approximately 75%.

In addition to substantially increasing the HPC caseload it would also add to the time taken to complete the CofA process. Although formal findings are not currently part of the approval process, it is anticipated that they will be necessary if the CofA process is expanded. As a result, requiring HPC findings to be drafted and considered for adoption at a following HPC meeting, would increase the review time from two to three

months. In addition to increasing the time, it would also add costs associated with the drafting of formal findings which is estimated at \$250 per case.

VI. Withdrawing Landmarks

1. Village of Hinsdale Requirements

Section 14-3-1 of the Code sets forth the requirements and process to establish both individually designated landmarks and historic districts. Landmarking of individual properties is strictly voluntary and can only be initiated by a property owner. Historic districts can be nominated if 25% of the property owners of record in a particular geographic area submit an application for nomination; or the Village has the authority to nominate a district.

With respect to withdrawal of a landmark, the Code (Sec. 14-4-1) only allows for individually designated landmarks to be withdrawn; historic districts cannot be withdrawn. In order to withdraw a landmark it must meet one of five criteria identified in the Code (Sec. 14-4-1. A thru E). Withdrawal is a two-step process, the first being review and recommendation by the HPC, the second being a subsequent review and final action by the Village Board.

2. Other Municipalities Requirements

Of the 12 municipalities, nine allow for individually designated landmarks to be withdrawn. The process of withdrawal is the same as the Village's, in that the final authority for withdrawal rests with the village board/city council, following review and recommendation by an advisory committee (see Attachment B). With respect to historic districts, only four municipalities allow for withdrawal (see Attachment C).

3. Concerns Over Withdrawals

With the withdrawal of an individually designated landmark earlier this year, concerns were expressed over the withdrawal requirements. Following is a list of the issues which have been raised recently.

- Either the HPC or the Village Board can be put in a difficult position of having to take into account the plight of individual property owners when considering a withdrawal request. More specifically, concerns were expressed that too much personal information – financial, health, etc. – might become public when the withdrawal request is being considered.
- As with the most recent landmark withdrawal where the HPC recommended against the request and the Village Board approved it, the HPC expressed concern about the split decision. It felt that split decisions might effect the relationship between the two bodies.
- A third issue raised involves the State of Illinois Property Tax Assessment Freeze Program. This program allows for a qualified* landmarked property to be eligible for a property tax assessment freeze for eight years. The issue raised in this situation is the equitability of a property owner taking advantage of the tax freeze and then at a later date requesting that the landmark status withdrawn.

*In order to be qualified for the Property Tax Assessment Freeze, it requires that a designated landmark make building improvements in excess of 25% of its assessed fair market value. See Example below:

Example: If a property had an assessed fair market value of \$2.0 million, in order to be eligible for the Assessment Freeze program, a minimum of \$500,000 in improvements would need to be made.

- Related to the property tax issue, is the recently passed federal tax legislation, limiting the amount of property taxes that can be deducted (property taxes in excess of \$10,000 can no longer be written off). The concern raised by the HPC is that in order to mitigate write off impact, property owners might see landmarking their properties as a way to reduce the amount of property taxes that cannot be written off. However, as illustrated in the above Example, a significant amount of money would have to be invested in property improvements in order to take advantage of the Property Tax Assessment Freeze Program. Additionally, as with the previous bullet point, it was postulated that once the benefit of property tax relief has been exhausted, the property owner might then request withdrawal of the landmark.

VII. Recommendations – Certificates of Appropriateness

1. *Certificates of Appropriateness*

In order to address the issue of which types of projects should require a CofA, following are several options that might be considered. Along with each option is associated potential impacts.

- Option 1 – Leave as is. Follow past practice of only requiring a CofA for new construction and demolitions.

Impacts

- CofA would not be required for additions, alterations and exterior improvements for structures in the Historic Districts.
- The number of CofA applications reviewed by the HPC would remain at the same level, an average of 11 applications/year.
- Review by the HPC would remain advisory.
- There would be no additional staff costs.

- Option 2 – Follow what is currently in the Village Code and require a CofA for all modifications to the exterior architecture of all landmarks whether individually designated or in an historic district.

Impacts

- Based on historical building permit data, it is estimated that on an annual basis, eight additional CofA applications would need to be processed and reviewed. This would increase the current annual average of CofA by 75%. Related to this impact would be the following:

- a. Require additional staff time to process the CofA applications. It is estimated that each case would add 20 - 25 hours of staff time. Annualized this translates into approximately 275 hours of staff time.
- b. In that a public hearing is required before the HPC, it would add direct costs to the Village in the form of publishing legal notices. Additionally, the costs associated to have a court reporter at the HPC public hearing and the subsequent transcription of the meeting minutes. Annually, this would result in an increase in \$1,200 for publishing public hearing notices, and \$2,400 for court reporting related services.

Currently these costs are borne by the Village. However, given the potential increased activity, consideration might be given as to whether the Village should pass on some or all of these costs on to the applicant.

- Consideration should be given to clearly identify what improvements would require a CofA. To that end the following should be considered:
 - a. Amend Sections 14-5-1-A & B of the Village Code to clearly identify what specific types of projects would fall under the CofA requirements. Similarly, it should include those items that would not require a CofA, i.e. driveways, landscaping, patio's, fences, etc.
 - b. Consideration should be given to exempting certain types of improvements based on particular characteristics of the property, or proposed location.
 - This might include exempting additions not visible from a public right-of-way.
 - Another consideration might be to exempt Noncontributing structures in Historic Districts.
- Consider amending the approval authority, to allow village staff to approve CofA for certain improvements – i.e. Noncontributing structures; minor exterior alterations, etc.
- Option 3 – Revise Section 14-5-1 of Code to codify current practice identifying construction and demolition as the only type of improvements requiring a CofA.

Impacts

- Given this is current practice, there would be a negligible impact.

2. *Authority of HPC Over Certificates of Appropriateness*

As discussed previously, pursuant to Section 14-5-5-B of the Code, approval/denial of a CofA differs based on whether the property is an individually designated landmark, or in an historic district. For an individually designated landmark, the HPC decision is final. However, when a property is located in an historic district, the HPC decision is advisory only. Therefore, if the HPC does not approve a CofA for a structure in an historic

district, it has no significant impact; following denial, the applicant can proceed with the project as proposed.

According to HPC members and staff, concerns have been expressed over the advisory nature of CofA in historic districts. The main issue is that the HPC has limited authority to ensure that proposed improvements meet the General and Design Standards (Sec. 14-5-2 of Code) of the historic district. In order to address this issue several revisions to the Code might be considered:

- Option 1 – Amend Section 14-5-5-C the Code to provide the HPC the authority to grant final approval of CofA in historic districts. This would result in consistency for approvals, regardless of whether the subject property is an individually designated landmark or in an historic district. As for appeals of the HPC decision to deny a CofA, the Code (Sec. 14-5-5-E) currently designates that they be considered by the Village Board.
- Option 2 – Amend the Village Code to require a specified period of time (i.e. 90 days) following denial of a CofA, in order for the applicant consider revising the plans based on HPC comments. At the end of this period, revised plans would be reviewed again by the HPC. In the event the applicant decided not to revise plans, the HPC would then make an advisory recommendation on the CofA, but only following expiration of the 90 day period. The effect of this option would be to allow time for the applicant to consider design alternatives based on HPC comments.

3. *Provide Incentives*

Incentivize design to be consistent with the General and Design Standards identified in Section 14-5-2 of the Code. The concept here is to provide relief from certain Village regulations if the proposed improvements meet the established design standards. Additionally, incentivizing might also be considered if plans are revised based on HPC comments. Following are areas where incentives might be considered.

- Zoning Relief
 - Floor Area bonus
 - Setbacks
- Expedited permit processing.
- Reduce or eliminate building permit fees.

VIII. Recommendations – New Landmark Category

1. *Possible Code Amendments*

Consideration should be given to establishing a third type of landmark status, which could be identified as an “Honorary Landmark”. As with other landmarks, the purpose of an honorary designation would be to promote the recognition of buildings and structures in the Village that have historic and architectural interest and value. The intent behind this type of landmark is to promote the idea identifying a structure as being historically or architecturally significant, without encumbering it with the

regulations associated with landmarks. The desired outcome being that more property owners would consider landmarking their properties because it would not bind them, or future owners, to any landmark regulations.

This designation would differ from the other landmark categories (individual, districts), in that it would not require properties to be subject to the CofA and withdrawal regulations. This would allow for building improvements to be made without having to be considered by the HPC for a CofA. Second, since the designation is honorific and is not subject to any regulations, other than the initial approval process, there is no reason for a property owner to request a withdrawal of the designation at a later date. Finally, given its honorific nature, properties obtaining this designation would not be eligible for the State Property Tax Assessment Freeze Program.

Under this type of landmark, it is recommended that a property be subject to the same review and approval process by the HPC and Village Board as is currently required per Section 14-3-1 of the Code.

In order create this third type of landmark, Title 14 of the Code would need to be amended where necessary.

IX. Recommendations – Landmark Withdrawals

1. Possible Code Amendments

Based on issues raised concerning the landmark withdrawals following are amendments to the Code that might be considered:

Option 1 - Complete prohibition on landmarks being withdrawn.

- a. This would only apply to landmarks established after 2018; landmarks established prior to 2018, would still be subject to the withdrawal regulations currently in Section 14-4-1 of the Code.

Option 2 - Establish a minimum time period before an application for withdrawal can be submitted:

- a. Establish a minimum time limit (i.e. three years).
- b. For a property taking advantage of the State's Property Tax Assessment Freeze, prohibit any withdrawals for the period the freeze is in effect (8 -12 years).

X. Recommendations – Consultant

As the consultant compiling this report, based on the options identified above following are my recommendations.

1. *Certificates of Appropriateness* – recommend implementing Option 2, following the existing regulations reviewing all exterior modifications to landmarks, whether individually landmarked or in an historic district (see p.7-8 above, Sec. VII.1).
2. *Authority of HPC Over Certificates of Appropriateness* – recommend implementing Option 2, granting the HPC the authority to delay approval of a CofA for up to 90 days (see p. 9 above, Sec. VII.2).

3. *New Landmark Category* – recommend establishing an Honorary Landmark category (see p. 9-10 above, Sec. VIII.1).
4. *Landmark Withdrawals* – recommend implementing Option 2a, establishing a minimum time limit before withdrawal of a landmark can be considered (see p. 10 above, Sec. IX).

7/3/18

Title 14 HISTORIC PRESERVATION

Chapter 1 GENERAL PROVISIONS

14-1-1: PURPOSE:

The purpose of this Title is to promote historic and architectural preservation in the Village. The Village seeks to protect, enhance, and perpetuate those historical structures, buildings, sites, and areas valued by the Village and its residents that are significant to the Village's history, culture, and architecture. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

14-1-2: GOALS:

This Title is created in order to:

- A. Foster civic pride in the beauty and accomplishments of the past as represented in the Village's landmarks and historic districts;
- B. Preserve, promote, maintain and enhance the Village's historic resources and character as a community comprised principally of well-maintained single-family residential neighborhoods and small, thriving business areas oriented to serve the day-to-day needs of local residents;
- C. Protect and enhance the Village's attractiveness to residents, businesses, visitors, and prospective home buyers and businesses;
- D. Maintain and improve property values in the Village;
- E. Protect, preserve, and enhance the Village's aesthetic appearance and character;

F. Encourage the designation of landmark and historic district status upon structures, buildings, sites, and areas on a local, State, and national level; and

G. Educate the general public as to the significance of historic preservation. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

14-1-3: DEFINITIONS:

For the purpose of this Title, and the interpretation and enforcement thereof, the following words and phrases shall have the following meanings, unless the context of the sentence in which they are used shall indicate otherwise:

ADDITION: Any act or process that changes the exterior architectural appearance of a structure or building by adding to, joining with, or increasing the size or capacity of the structure or building.

ALTERATION: Any act or process, other than demolition, that changes the exterior architectural appearance of a landmark or any structure, building, or site in a designated historic district, including without limitation the erection, construction, reconstruction, addition, repair, rehabilitation, renovation, removal, restoration, or relocation of any structure or building. Repainting all or any portion of the exterior of a structure or building with paint of the same kind, color and texture is not an alteration for the purposes of this Title.

AREA: A specific geographic division of the Village.

BUILDING: A structure having a roof that is supported by columns or walls for the shelter, support, or enclosure of persons, animals, or chattels.

CERTIFICATE OF APPROPRIATENESS: A certificate issued by the Commission approving plans for the alteration, construction, removal, or demolition of a landmark or structure, building, or site within a designated historic district.

COMMISSION: The Hinsdale Historic Preservation Commission.

COMMISSIONERS: Members of the Commission.

CONSTRUCTION: The act of adding an addition to, reconstructing, or otherwise altering an existing structure or building, or the act of erecting a new principal or accessory structure or building on a lot or property.

DEMOLITION: Any act or process that destroys, in part or in whole, a landmark or a site within an historic district.

DESIGN GUIDELINES: The standards of appropriate activity that will preserve the historic and architectural character of a structure or area.

EXTERIOR ARCHITECTURAL APPEARANCE: The architectural character, general composition, and general arrangement of the exterior of a structure, building, or site, including without limitation, the kind, color, and texture of the building material and the type, design, and character of all windows, doors, light fixtures, signs, and appurtenant elements.

HISTORIC DISTRICT: An area designated as an historic district by ordinance of the Village Board that may contain, within definable geographic boundaries, one or more landmarks and which may have within its boundaries other structures, buildings, or sites that, while not of such historic and/or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located within the historic district.

LANDMARK: Any building, structure, or site designated as a landmark by ordinance of the Village Board, pursuant to procedures prescribed herein, that is worthy of rehabilitation, restoration, and preservation because of its historic and/or architectural significance to the Village.

OWNER OF RECORD: The person, corporation, or other legal entity listed as the holder of legal title on the records of the Recorder of Deeds of the county with jurisdiction. If a site has more than one owner of record, and action by the owner of record is required by this Title, there shall be a rebuttable presumption that action has been taken by the owner of record where the written consent of a majority of the owners of record for that site is submitted.

REHABILITATION: The process of returning a structure, building, or site to a state of utility through repair, construction, or alteration, that makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic and architectural values.

RELOCATION: The process of moving a structure or building on its site or to another site.

REMOVAL: See definition of Relocation.

REPAIR: Any change that does not require a building permit that is not construction, relocation, or alteration.

RESTORATION: The process of restoring, repairing, or reconstructing a property, through repair, construction, or alteration, to a former or original condition that enhances those portions and features of the property that are significant to its historic and architectural values.

SITE: A single lot or parcel of property. For the purpose of determining any action by an owner of record pursuant to this Title, site also includes a zoning lot, as that term is defined in the Hinsdale zoning code.

STRUCTURE: Anything constructed or erected, the use of which requires permanent or

temporary location on or in the ground or attached to something having a permanent location on or in the ground. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

14-1-4: PROCEDURE FOR NOTICE OF PUBLIC HEARINGS AND MEETINGS:

- A. **Manager To Give Notice:** The village manager shall cause notice to be given of public hearings and public meetings set pursuant to this title in the form and manner and to the persons herein specified.
- B. **Content Of Notice:** All notices shall include the date, time, and place of such hearing or meeting, a description of the matter to be heard or considered, a legal description of the subject property, and the address or particular location of the subject property.
- C. **Persons Entitled To Notice:**
 - 1. **All Hearings And Meetings:** Notice of every hearing or meeting set pursuant to this title shall be given:
 - a. By mail or personal delivery to the applicant and, if a specific parcel is the subject of the application, to the owner of the subject property.
 - b. By mail to any newspaper or person that shall have filed a written request, accompanied by an annual fee as established from time to time by the village manager to cover postage and handling, for notice of all hearings or meetings held pursuant to this code. Such written request shall automatically expire on December 31 of the year in which it is made unless a written request for renewal, accompanied by the annual fee, is submitted prior to such date.
 - c. By mail, personal delivery, or interdepartmental delivery to affected village boards, commissions, departments, officials and consultants.

Notice by mail as herein required shall be mailed no fewer than seven (7) days in advance of the hearing or meeting date by regular United States mail. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)
 - 2. **Hearings On Applications:** In addition to notice as required by subsection C1 of this section, notice of every hearing set pursuant to this title in connection with any application for historic district designation, withdrawal of landmark designation, or a certificate of appropriateness, shall be given in accordance with subsections C2a and C2b of this section. Notice of every hearing in connection with an application for

landmark designation shall be given in accordance with subsection C2a of this section. (Ord. O2005-28, 7-19-2005)

- a. By publication in a newspaper published in the village at least once no less than fifteen (15) days nor more than thirty (30) days in advance of the hearing date.
- b. By certified mail, return receipt requested, or personal delivery to all owners of property within two hundred fifty feet (250') of the subject property; provided, further, that in the case of an application for historic district designation, notice shall be to all owners of record of property within the proposed district and to all owners of record of property within two hundred fifty feet (250') of the outside perimeter of the proposed district. Notice as required by this subsection shall be given by the applicant not less than fifteen (15) days nor more than thirty (30) days in advance of the hearing. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

14-1-5: PROCEDURES FOR CONDUCT OF HEARINGS:

- A. Rights Of All Persons: Any person may appear and testify at a public hearing conducted pursuant to this title, either in person or by a duly authorized agent or attorney, and may submit documentary evidence; provided, however, that the commission may exclude irrelevant, immaterial, or unduly repetitious evidence.
- B. Rights Of Parties And Proximate Owners: Subject to the discretion of the commission, the applicant, any board, commission, department, or official of the village, and any property owner entitled to written notice pursuant to this section may be allowed any or all of the following rights:
 1. To present witnesses on their behalf.
 2. To cross examine all witnesses testifying in opposition to their position.
 3. To examine and reproduce any documents produced at the hearing.
 4. To a continuance, upon request, for the purpose of presenting evidence to rebut evidence introduced by any other person.
- C. Adjournment Of Hearing: The commission may at any time, on its own motion or at the request of any person, adjourn the hearing for a reasonable time and to a fixed date, time, and place, for the purpose of giving further notice, taking further evidence, gathering further information, deliberating further, or for such other reason as the hearing body may find to be sufficient. The staff secretary of the commission shall notify in writing

all commissioners, all parties to the hearing, and any other person designated on the vote of adjournment of the date, time, and place of the adjourned hearing.

- D. Sworn Testimony: All testimony at any hearing held pursuant to this title shall be given under oath or affirmation.
- E. Right To Submit Written Statements: Any person may at any time prior to the commencement of a hearing hereunder, or during such hearing, or within such time as may be allowed by the commission following such hearing, submit written statements in support of or in opposition to the application being heard.
- F. Code And Rules To Govern: All other matters pertaining to the conduct of hearings shall be governed by the provisions of this code pertaining to, and the rules promulgated by, the commission. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

Chapter 2

HISTORIC PRESERVATION COMMISSION

14-2-1: CREATION:

The Hinsdale Historic Preservation Commission shall be constituted as created pursuant to Section 2-12-1 of this Code. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

14-2-2: POWERS AND DUTIES:

Subject to the laws of the State, this Code, and any other ordinances and resolutions of the Village, the Commission shall have the following powers and duties:

- A. To adopt its own procedural rules. In the absence of such rules, the Commission shall conduct its business, as nearly as practicable, in accordance with Robert's Rules of Order.

- B. To conduct a survey of structures, buildings, sites, and areas in the Village in order to identify those with historical and architectural significance.
- C. To keep a register of all buildings, structures, sites, and areas that have been designated as landmarks or historic districts, including all information required for each designation.
- D. To provide information to owners of landmarks and structures, buildings, or sites within historic districts, as well as to residents of the Village, regarding: 1) physical and financial aspects of preservation, renovation, rehabilitation, and reuse, including information about incentives that may be available therefor and possible designation under this Title, and 2) procedures for inclusion on the State or National Register of Historic Places.
- E. To inform and educate the residents of the Village concerning the historic and architectural heritage of the Village by: 1) publishing appropriate maps, newsletters, brochures, and pamphlets, and 2) holding programs and seminars.
- F. To hold public hearings, review applications, conduct advisory review conferences, and make recommendations regarding the designation and withdrawal of designation of landmarks and historic districts and the alteration or demolition of such landmarks and historic districts, and to issue decisions regarding the issuance of certificates of appropriateness and certificates of economic hardship for such actions.
- G. To develop, subject to review and approval by the Village Board, specific guidelines for the alteration, demolition, construction, or removal of landmarks or structures, buildings, or sites within historic districts.
- H. To recommend, when requested by the Village Board, whether the Village should accept and administer any property or full or partial interest in real property, including conservation rights as that term is used in 765 Illinois Compiled Statutes 120/1, which the Village may have or accept as a gift or otherwise.
- I. To request technical advice and assistance from Village staff members and to retain specialists or consultants when expressly authorized by the Village Board.

- J. To review, upon request of the Village Board, the Plan Commission or the Zoning Board of Appeals, applications for zoning or subdivision relief affecting historically and architecturally significant landmarks and structures, buildings, and sites within historic districts.
- K. To periodically review, when requested by the Village Board, the Hinsdale zoning code and to recommend to the Plan Commission or the Village Board any amendments appropriate for the protection and continued use of landmarks or structures, buildings, or sites within historic districts.
- L. To perform such other functions as directed by the Village Board, including without limitation regulatory, acquisitive, informational, and incentive-oriented functions. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

14-2-3: SURVEYS AND RESEARCH:

When authorized by the Village Board, and within applicable budget or appropriations limitations, the Commission shall undertake an ongoing survey and research effort in the Village to identify neighborhoods, areas, sites, structures, and buildings that have historic, community, architectural, or aesthetic importance, interest, or value. As part of the survey, the Commission shall review and evaluate any prior surveys and studies by any unit of government or private organization and compile appropriate descriptions, facts, and photographs. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

Chapter 3 LANDMARK AND HISTORIC DISTRICT DESIGNATION

14-3-1: CRITERIA:

The Commission shall consider the criteria provided in this Chapter in order to recommend a structure, building, or site for designation as a landmark, or an area for designation as an historic district.

A. General Considerations:

1. The structure, building, site, or area has significant character, interest, or value as part of the historic, aesthetic, or architectural characteristics of the Village, the State, or the United States.
2. The structure, building, site, or area is closely identified with a person or persons who significantly contributed to the development of the Village, the State, or the United States.
3. The structure, building, site, or area involves the notable efforts of, or is the only known example of work by, a master builder, designer, architect, architectural firm, or artist whose individual accomplishment has influenced the development of the Village, the State, or the United States.
4. The unique location or singular physical characteristics of the structure, building, site, or area make it an established or familiar visual feature.
5. The activities associated with a structure, building, site, or area make it a current or former focal point of reference in the Village.
6. The structure or building is of a type or is associated with a use once common but now rare, or is a particularly fine or unique example of a utilitarian structure and possesses a high level of integrity or architectural significance.
7. The structure, building, or site is in an area that has yielded or is likely to yield historically significant information, or even prehistoric data.

B. Architectural Significance:

1. The structure, building, site, or area represents certain distinguishing characteristics of architecture inherently valuable for the study of a time period, type of property, method of construction, or use of indigenous materials.
2. The structure, building, site, or area embodies elements of design, detail, material, or craftsmanship of exceptional quality.
3. The structure, building, site, or area exemplifies a particular architectural style in terms of detail, material, and workmanship which has resulted in little or no alteration to its original construction.
4. The structure, building, site, or area is one of the few remaining examples of a particular architectural style and has undergone little or no alteration since its original construction.
5. The structure, building, site, or area is, or is part of, a contiguous grouping that has a sense of cohesiveness expressed through a similarity of style characteristics, time period, type of property, method of construction, or use of indigenous materials and accents the architectural significance of an area.

6. The detail, material, and workmanship of the structure, building, or site can be valued in and of themselves as reflective of or similar to those of the majority of the other visual elements in the area.

C. Historic Significance:

1. The structure, building, site, or area is an exceptional example of an historic or vernacular style, or is one of the few such remaining properties of its kind in the Village.
2. The structure, building, site, or area has a strong association with the life or activities of a person or persons who has significantly contributed to or participated in the historic events of the United States, the State, or the Village.
3. The structure, building, site, or area is associated with an organization or group, whether formal or informal, from which persons have significantly contributed to or participated in the historic events of the United States, the State, or the Village.
4. The structure, building, site, or area is associated with a notable historic event.
5. The structure, building, site, or area is associated with an antiquated use due to technological or social advances.
6. The structure, building, site, or area is a monument to, or a cemetery of, an historic person or persons. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

14-3-2: APPLICATIONS FOR NOMINATIONS OF LANDMARKS AND HISTORIC DISTRICTS:

- A. Who May Nominate: Applications for nominations for designation of a landmark or historic district may be submitted by: 1) the owner of record of the nominated landmark, or 2) the owners of record of twenty five percent (25%) or more of the sites within an area to be nominated for historic district designation, or 3) the Village for an area to be nominated for historic district designation.
- B. Application Requirements: Applications for nomination shall be filed with the Village Manager, on forms provided by the Village Manager and shall, at a minimum, include the following information and specifications:
1. For A Landmark:
 - a. The name and address of the applicant and owner of record.

- b. The legal description and common street address of the property.
 - c. A written statement describing the structure, building, or site and setting forth reasons in support of the proposed designation, including a list of significant exterior architectural features that should be protected.
 - d. Written documentation and evidence establishing that the applicant is the current owner of record of the nominated property and that such owner of record consents to the proposed landmark designation. Such documentation or evidence of record ownership shall include a recent title policy in the name of the applicant or other evidence of record ownership acceptable to the Village Manager.
 - e. An overall site plan and photographs of the landmark. The plan shall also include a front, side, and rear elevation drawing.
 - f. Such other relevant information as requested by the Village Manager or the Commission.
2. For An Historic District:
- a. The names and addresses of the applicants.
 - b. The names and addresses of all of the owners of record of buildings, structures, or sites in the area nominated for designation.
 - c. A vicinity map delineating the boundaries of the area nominated for designation.
 - d. A written statement describing the area and structures, buildings, or sites located in the area nominated for designation as an historic district and setting forth the reasons in support of the proposed designation, including a list and photographs of significant exterior architectural features of all structures, buildings, or sites in the district that should be protected.
 - e. Written documentation and evidence establishing that applicants are the current owners of record of property in the area nominated for designation and that such owners comprise the owners of record of at least twenty five percent (25%) of all sites contained in the nominated area. Such documentation or evidence of record ownership shall include recent title policies in the names of the applicants or other evidence of record ownership acceptable to the village manager.
 - f. The name, address, and telephone number of one of the applicants who shall be the designated contact person and liaison for the purposes of the application. The name, address, and telephone number of an additional applicant to serve as an alternative contact person shall also be provided.
 - g. Such other relevant information as requested by the village manager or the commission. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

14-3-3: PUBLIC HEARING:

Following the proper filing of a complete application for nomination of a landmark or historic district, a public hearing on the application shall be set, noticed and conducted in accordance with the provisions contained in chapter 1 of this title. Such hearing shall be commenced not later than ninety (90) days following the filing of a complete application and may be continued upon request or consent of the applicant. (Ord. O2001-12, 3-6-2001)

14-3-4: RECOMMENDATIONS BY HISTORIC PRESERVATION COMMISSION:

- A. General: The commission shall review all information presented to it at the public hearing and shall adopt a recommendation that the nominated landmark or historic district does or does not meet the criteria for designation as herein prescribed. The commission may recommend that an area consisting of less than all of the properties included in the original application be designated as an historic district, as long as the smaller recommended district complies with all requirements for consent of owners of record under this chapter. The recommendation shall contain the following information:
1. The commission's rationale for recommending either approval or rejection of the nomination;
 2. In the case of a recommendation of approval of designation of a landmark, the significant feature or features in the exterior architectural appearance of the landmark that should be protected and preserved;
 3. In the case of a recommendation of approval or designation of an historic district, the significant features in the exterior architectural appearance of any structures, buildings, or sites within the historic district that should be protected and preserved; and
 4. Any other pertinent comments related to the nomination of the landmark or historic district.
- B. Landmarks: In the case of a nominated landmark, within forty five (45) days following the conclusion of the public hearing, the commission shall transmit to the village board its recommendation in the form specified by subsection 2-12-6A of this code. The failure of the commission to act within forty five (45) days following the conclusion of such hearing, or such further time to which the applicant may agree, shall be deemed a recommendation for the approval of the application for designation as submitted. The village board shall promptly act on such recommendation.

- C. **Historic Districts:** In the case of a nominated historic district, such recommendation by the commission shall be deemed preliminary and shall be accompanied by action of the commission requiring that notice be given to all owners of record of property within the nominated district that the nominated district has been preliminarily determined to meet the standards for designation as an historic district and allowing such owners of record an opportunity to complete a form indicating whether the owner consents to the designation of the nominated district. The manner of obtaining such consent shall be pursuant to section 14-3-6 of this chapter. Following receipt of the results of the consent forms submitted by the owners of record, the commission shall reconsider its preliminary recommendation and shall issue a final recommendation to the village board within forty five (45) days following receipt of the results. The commission shall transmit to the village board its recommendation in the form specified by subsection 2-12-6A of this code. The failure of the commission to act within forty five (45) days following the receipt of the results, or such further time to which the applicant may agree, shall be deemed a recommendation for the approval of the application for designation as submitted. The village board shall promptly act on such recommendation.
- D. **Recommendations On File:** All recommendations by the commission shall be filed with the village manager and made available to persons requesting the same in writing. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

14-3-5: DESIGNATION BY VILLAGE BOARD:

An ordinance passed by the affirmative vote of at least four (4) members of the Village Board shall be required to designate an official landmark or historic district. Upon passing an ordinance approving the nomination for a landmark or historic district designation, the Village Board shall direct that notice be sent to the Building Commissioner and to the owners of record advising them of such designation and informing them that any structure, building, site, or area designated as a landmark or located within the boundaries of a designated historic district shall thereafter be subject to the requirements of Chapter 5 of this Title. The Village Board shall also direct that the ordinance approving a landmark or historic district designation be recorded in the offices of the appropriate County Recorder of Deeds. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

14-3-6: CONSENT OF OWNERS OF RECORD IN PROPOSED HISTORIC DISTRICT:

- A. **Manner Of Consent:** In the event that the Commission makes a preliminary recommendation that an historic district should be designated and that notice shall be

given in accordance with subsection 14-3-4C of this Chapter, the notice shall include one or more written forms on which the owners of record of each site within the proposed district may indicate their ownership and whether or not they consent to the designation of the proposed district. If a site is owned by more than one owner of record, only one consent form may be submitted for that site. The forms for such consent shall be prepared in a manner that enables the Village to verify whether the person submitting the consent form is the owner of record while keeping the owner's name separate from the owner's indication of whether or not the owner consents to the designation.

- B. Effect Of Consent: No historic district shall be designated by the Village without affirmative written consent to such designation by the owners of record of more than fifty percent (50%) of the sites within the proposed district. However, the Village shall not be required to designate any proposed district because of the affirmative written consent to such designation by the owners of record of more than fifty percent (50%) of the sites within the proposed district. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

14-3-7: DENIAL OF DESIGNATION:

An applicant whose nomination for a landmark or historic district designation is denied by the Village Board may request reconsideration by filing a written request within thirty (30) days after a decision denying designation is rendered; provided, however, that the Village Board shall reconsider a nomination only if substantial new evidence or information regarding the nominated landmark or historic district is provided. Once a nomination has been denied by the Village Board, no further nominations involving substantially the same relief under this Chapter for any structure, building, site, or area whose designation was denied may be filed for ninety (90) days; provided, however, that this period does not apply to an application to designate a landmark within an area for which historic district designation was denied. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

14-3-8: STAY OF PROCEEDINGS:

No building, demolition, sign, or other permit shall be issued for a proposed landmark or a structure, building, site, or area in a proposed historic district from the date when the nomination form is filed with the Village Manager until the final disposition of the nomination unless the process for certificate of appropriateness review required by Chapter 5 of this Title is completed. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

14-3-9: LANDMARK DESIGNATION CONTROLS:

In the event that a building, structure, or site has been designated as both a landmark and as part of an historic district, the requirements, limitations, restrictions, and regulations contained in this Title pertaining to landmarks shall control over the requirements, limitations, restrictions, and regulations pertaining to historic districts, including, without limitation, the requirements contained in Chapter 5 of this Title regarding the issuance of a certificate of appropriateness. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

14-3-10: SUCCESSIVE APPLICATIONS:

- A. **Second Applications Without New Grounds Barred:** Whenever any application filed pursuant to this Chapter has been finally denied on its merits, a second application seeking essentially the same relief, whether or not in the same form or on the same theory, shall not be brought unless in the opinion of the Village Manager or the Commission there is substantial new evidence available or a mistake of law or fact significantly affected the prior denial.
- B. **New Grounds To Be Stated:** Any such second application shall include a detailed statement of the grounds justifying consideration of such application.
- C. **Summary Denial With Or Without Hearing:** Any such second application may be denied by the Village Manager summarily, and without hearing, on a finding that no grounds appear that warrant a new hearing. In any case where such application is set for hearing, the applicant shall be required to establish grounds warranting reconsideration of the merits of its application prior to being allowed to offer any evidence on the merits. Unless such grounds are established, the application may be summarily dismissed for such failure.
- D. **Exception:** Whether or not new grounds are stated, any such second application filed more than two (2) years after the final denial of a prior application shall be heard on the merits as though no prior application had been filed. The applicant shall, however, be required to place in the record all evidence available concerning changes of conditions or new facts that have developed since the denial of the first application. In the absence of such evidence, it shall be presumed that no new facts exist to support the new petition that did not exist at the time of the denial of the first application. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

Chapter 4

WITHDRAWAL OF LANDMARK DESIGNATION

14-4-1: CONDITIONS FOR WITHDRAWAL:

The designation of a structure, building or site as a landmark may be withdrawn under any of the following conditions:

- A. The structure, building or site has ceased to meet the criteria for designation because the qualities which caused it to be originally designated have been lost or destroyed, or such qualities were lost subsequent to nomination, but before designation;
- B. Additional information shows conclusively that the structure, building or site does not possess sufficient significance to meet the designation criteria;
- C. The original designation was clearly in error;
- D. There was prejudicial procedural error in the designation process; or
- E. The owner of the structure, building or site demonstrates that he or she is experiencing significant and continuing financial hardship of a nature that has, and will going forward, negatively impact the ability of the owner to adequately maintain the structure, building or site. (Ord. O2014-38, 11-4-2014)

14-4-2: REQUESTS FOR WITHDRAWAL:

The owner of record of any designated landmark structure, building, or site may initiate a procedure to withdraw the designation from such structure, building or site. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

14-4-3: APPLICATION AND HEARING:

A procedure to withdraw a landmark designation shall be initiated by filing an application with the village manager, in accordance with section 14-3-2 of this title; provided, however, that the application shall include a written explanation of the reasons for withdrawal as allowed by section 14-4-2 of this chapter. Upon the filing of a completed application, notice shall be given and a public hearing shall be held in accordance with chapter 1 of this title. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

14-4-4: RECOMMENDATION; DETERMINATION:

Promptly after the close of the public hearing, the commission shall either: a) determine that withdrawal of a designation is not warranted and recommend to the village board denial of the application; or b) recommend to the village board that a designation should be withdrawn. Such recommendation shall be in writing and shall set forth the reasons therefor. Any determination or recommendation shall be submitted to the village board, sent to the applicant, and filed with the village clerk. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

14-4-5: BOARD ACTION:

The village board shall promptly act upon a recommendation for withdrawal of a designation. An ordinance passed by the affirmative vote of at least four (4) members of the village board shall be required to withdraw an official landmark designation. Upon passing an ordinance approving the withdrawal of such a designation, the village board shall direct that notice be sent to the building commissioner and the owners of record advising them that such designation has been withdrawn. The village board shall also direct that the ordinance withdrawing a landmark designation be recorded in the office of the appropriate county recorder of deeds. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

Chapter 5

CERTIFICATE OF APPROPRIATENESS

14-5-1: REQUIRED:

A. Landmarks: No alteration shall be allowed to, and no permits shall be issued for, the alteration, demolition, signage, or any other physical modifications of the exterior architectural appearance of a designated landmark without the prior issuance of a

certificate of appropriateness in accordance with the procedures and criteria specified in this chapter.

- B. Historic District: No alteration shall be allowed to, and no permits shall be issued for, the alteration, demolition, signage, or any other physical modifications of the exterior architectural appearance of any structure, building, site, or area located in a designated historic district without the rendering of a final decision by the commission on an application for a certificate of appropriateness. The final decision of the commission shall be advisory only.
- C. Exemption: Certificates of appropriateness shall not be required in connection with permits necessary for compliance with a lawful order of a village, including, without limitation, any permit necessary to correct what is determined by the issuing officer to be an immediate health or safety problem; provided that such order expressly exempts the alteration, demolition, signage, or other physical modifications from certificate of appropriateness procedures; and provided further that such order may be subject to appropriate conditions to advance the purpose and goals of this title. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

14-5-2: CRITERIA:

All applications for a certificate of appropriateness shall conform to the applicable standards in this section.

A. General Standards:

1. Alterations that do not affect any essential architectural or historic features of a structure or building as viewed from a public or private street ordinarily should be permitted.
2. The distinguishing original qualities or character of a structure, building, or site and its environment should not be destroyed. No alteration or demolition of any historic material or distinctive architectural feature should be permitted except when necessary to assure an economically viable use of a site.
3. All structures, buildings, sites, and areas should be recognized as products of their own time. Alterations that have no historical basis and that seek to create an earlier appearance than the true age of the property are discouraged.
4. Changes that may have taken place in the course of time are evidence of the history and development of a structure, building, or site and its environment. These changes

may have acquired significance in their own right, and this significance should be recognized and respected when dealing with a specific architectural period.

5. Distinctive stylistic features or examples of skilled craftsmanship that characterize a structure, building, site, or area should ordinarily be maintained and preserved.
6. Deteriorated architectural features should be repaired rather than replaced, whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
7. The surface cleaning of structures and buildings should be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the structures and buildings should be avoided.
8. New structures or buildings, or alterations to sites should not be discouraged when such structures or alterations do not destroy significant historical or architectural features and are compatible with the size, scale, color, material, and character of the site, neighborhood, or environment.
9. Whenever possible, new structures or buildings, or alterations to the existing conditions of sites should be done in such a manner that, if such new structures or alterations were to be removed in the future, the essential form and integrity of the original structure, building, site, or area would be unimpaired.
10. Any permitted alteration or demolition should promote the purposes of this Title and general welfare of the Village and its residents.
11. Demolition should not be permitted if a structure, building, or site is economically viable in its present condition or could be economically viable after completion of appropriate alterations, even if demolition would permit a more profitable use of such site.

B. Design Standards:

1. Height: The height of a landmark after alteration should be compatible with the height of the original landmark. The height of a structure or building and adjacent open spaces after any proposed alteration or construction within an historic district should be compatible with the style and character of the structure or building and with surrounding structures and buildings in an historic district.
2. Relationship Between Mass And Open Space: The relationship between a landmark and adjacent open spaces after its alteration should be compatible with such relationship prior to such alteration. The relationship between a structure or building and adjacent open spaces after alteration within an historic district should be

compatible with the relationship between surrounding structures, buildings and adjacent open spaces within such historic district.

3. Relationship Among Height, Width And Scale: The relationship among the height, width, and scale of a landmark after alteration should be compatible with such relationship prior to such alteration. The relationship among height, width, and scale of a structure or building after an alteration within an historic district should be compatible with the relationship among height, width, and scale of surrounding structures and buildings within such historic district.
4. Directional Expression: The directional expressions of a landmark after alteration, whether its vertical or horizontal positioning, should be compatible with the directional expression of the original landmark. The directional expression of a structure or building after alteration within an historic district should be compatible with the directional expression of surrounding structures and buildings within such historic district.
5. Roof Shape: The roof shape of a landmark after alteration should be compatible with the roof shape of the original landmark. The roof shape of a structure, building, or object after alteration within an historic district should be compatible with the roof shape of surrounding structures and buildings within such historic district.
6. Architectural Details, General Designs, Materials, Textures, And Colors: The architectural details, general design, materials, textures, and colors of a landmark after alteration should be compatible with the architectural details, general design, materials, textures, and colors of the original landmark. The architectural details, general design, materials, textures, and colors of a structure or building after alteration within an historic district should be compatible with the architectural details, general design, materials, textures, and colors of surrounding structures and buildings within such historic district.
7. Landscape And Appurtenances: The landscape and appurtenances, including without limitation signs, fences, accessory structures, and pavings, of a landmark after alteration should be compatible with the landscape and appurtenances of the original landmark. The landscape and appurtenances of a structure or building after alteration within an historic district should be compatible with the landscape and appurtenances of surrounding structures and buildings within such historic district.
8. Construction: New construction in an historic district should be compatible with the architectural styles, design standards and streetscapes within such historic districts.

C. Additional Standards: In addition to the foregoing standards, the commission may consider the secretary of the interior's standards for rehabilitation guidelines for rehabilitating historic buildings (revised 1983), and any amendments thereto, in reviewing any application under this section. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

14-5-3: APPLICATION:

- A. Formal Application Requirements: Any person proposing an alteration to, or seeking a building, demolition, sign, or other permit for, any designated landmark, or for any structure, building, site, or area within a designated historic district, shall submit a formal application for a certificate of appropriateness as a precondition to commencing such alteration or obtaining such permit. The formal application for a certificate of appropriateness shall include the following information and specifications:
1. Applicant's name;
 2. Owner's name, if different from applicant;
 3. Street address and legal description of the site;
 4. An overall site plan of the site, including front, side, and rear elevation drawings in the case of alteration or partial demolition;
 5. Brief description of the structures, buildings, and objects on the site and the structures, buildings, and objects on site adjacent to and across from such original site;
 6. Detailed description of the proposed alteration or demolition, together with any architectural drawings, sketches, and photographs indicating how and to what extent such alteration or demolition shall affect a landmark or historic district;
 7. Names and addresses of the owners of property adjacent to and access from the site;
 8. A list and photographs of significant architectural features in relation to the structures, buildings, or objects on the site previously designated by the commission as being worthy of protection and preservation;
 9. Identification of any architect or developer involved in the alteration or demolition; and
 10. Such other relevant information as requested by the village manager or the commission.
- B. Preliminary Application Requirements: Preliminary applications for nomination shall be filed with the village manager, on forms provided by the village manager and shall include such information required by subsection A of this section as are necessary to allow review by the commission. No applicant shall be required to file a preliminary application prior to filing a formal application. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

14-5-4: REVIEW OF APPLICATION:

A. Review Of Formal Application:

1. Public Meeting If No Demolition: After the filing of a properly completed formal application for a certificate of appropriateness that does not include any request for demolition, the commission shall conduct a public meeting on the application. Notice of the meeting shall be given in accordance with section 14-1-4 of this title. The meeting shall be conducted within ninety (90) days after the properly completed formal application has been filed.
2. Public Hearing If Demolition, Relocation, Or Removal: After the filing of a properly completed formal application for a certificate of appropriateness that includes a request for demolition, relocation, or removal, the commission shall conduct a public hearing on the application. Notice of the hearing shall be given in accordance with section 14-1-4 of this title, and the hearing shall be conducted in accordance with section 14-1-5 of this title. The hearing shall be commenced within ninety (90) days after the properly completed formal application has been filed. (Ord. O2002-37, 6-18-2002)

- B. Review Of Preliminary Applications: Following the proper filing of a complete preliminary application, the village manager shall cause such application to be on the agenda of the next regular commission meeting after the date of its filing. The commission shall, not later than the first regular commission meeting after the preliminary application has been referred to it, commence and conclude its review of the preliminary application.

The purpose of such review shall be to broadly acquaint the commission with the applicant's proposal and to provide the applicant with any preliminary views or concerns that members of the commission may have at the time in the process when positions are still flexible and adjustment is still possible and prior to the time when the applicant is required to expend the funds necessary to prepare the complete documentation required for a formal application.

At the meeting at which the preliminary application is considered, any member of the commission may make any comments, suggestions or recommendations regarding the preliminary application deemed necessary or appropriate by that member; provided, however, that no recommendation shall be made, and no final or binding action shall be taken, with respect to any preliminary application by the Commission. Any views expressed in the course of the Commission's review of any preliminary application shall be deemed to be only preliminary and advisory and only the individual views of the member expressing them. Nothing said or done in the course of such review shall be deemed to create, or to prejudice, any rights of the applicant or to obligate the Commission, or any member of it, to approve or deny any formal application following full consideration thereof as required by this Title. Applications by the Village shall not be subject to the provisions of this subsection. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

14-5-5: DECISION OF THE COMMISSION:

- A. Approval: If the application is approved without conditions, the Commission shall issue the certificate of appropriateness permitting the Building Commissioner to proceed with other required reviews and approvals. The Commission shall notify the applicants of its decision within thirty (30) days after the close of the public hearing.
- B. Approval With Conditions: If the application is approved with conditions, the Commission shall notify the applicant in writing and shall specify the conditions to be imposed and the reasons therefor in light of the criteria applicable to this Chapter. If the applicant notifies the Commission in writing that the conditions are acceptable, or if the applicant does not appeal the approval with conditions within the prescribed period of time, the Commission shall issue the certificate of appropriateness, subject to the conditions.
- C. Denial: If the application is denied, the Commission shall notify the applicant in writing and shall specify the particulars in which the application is inconsistent with the criteria applicable to this Chapter. If the Commission issues a denial of the certificate of appropriateness, no alteration shall be permitted to proceed, and no permits shall be issued for, the proposed alteration, demolition, signage, or any other physical modifications of, the designated landmark. If the Commission issues a denial of a certificate of appropriateness for a structure, building, site, or area within a designated historic district, such denial is merely advisory and shall not prohibit an applicant from proceeding with the proposed alteration, demolition, signage or any other physical modifications the structure, building, site, or area within the historic district upon receiving all other required approvals and permits therefor.
- D. Validity: A certificate of appropriateness shall be invalid if the plans approved by the Commission are changed, if any conditions of the certificate are not satisfied, or if any building permit issued for the approved work becomes invalid. A certificate of appropriateness shall remain valid for a period of one year.
- E. Appeal: When a certificate of appropriateness for a designated landmark is denied, the applicant may appeal the Commission's decision to the Village Board by filing an appeal in writing to the Village Manager within fifteen (15) days after the applicant is served with notice by personal delivery or certified or registered mail of the Commission's decision. For the purposes of this Section, the date of mailing or delivery shall be the date of service. The Village Board may receive comments on the contents of the record but no new matter may be considered by the Village Board. The Village Board may affirm the decision or recommend changes by a majority vote of the Board after due consideration of the facts contained in the record submitted to the Board by the Commission. The

Village Board may overturn the Commission's decision by a majority vote of a quorum of the Village Board. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

14-5-6: CERTIFICATE OF ECONOMIC HARDSHIP:

Notwithstanding any of the provisions of the ordinance to the contrary, the Commission may issue a certificate of economic hardship to allow the performance of work for which a certificate of appropriateness has been denied.

- A. State Assistance: Applicants claiming economic hardship shall be required to apply to the State Historic Preservation Agency to determine eligibility for rehabilitation assistance. The eligibility for and availability of financial aid shall be considered by the Commission in making its decision.
- B. Application Requirements: An applicant for a certificate of economic hardship may submit any or all of the following information in order to assist the Commission in making its determination on the application:
1. The amount paid for the property, the date of purchase, and the party from whom purchased (including a description of the relationship, if any, between the owner and the person from whom the property was purchased).
 2. The assessed value of the land and improvements thereon according to the two (2) most recent assessments.
 3. Real estate taxes for the previous two (2) years.
 4. Remaining balance mortgage, if any, and annual debt service, if any, for the previous two (2) years.
 5. All appraisals obtained within the previous two (2) years by the owner or applicant or their lenders in connection with this purchase, financing, or ownership of the property.
 6. Any listing of the property for sale or rent, price asked, and offers received, if any.
 7. Any consideration by the owner as to profitable adaptive uses for the property.
 8. If the property is income-producing, the annual gross income from the property for the previous two (2) years, itemized operating and maintenance expenses for the previous two (2) years, and annual cash flow before and after debt service, if any, during the same period.

9. Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other.
10. Any other information including income tax bracket of the owner, applicant, or principal investors in the property, reasonably necessary for a determination as to whether the property can be reasonably sold or yield a reasonable return to present or future owners.

- C. Study Period: If the Commission finds that without approval of the proposed work, the property cannot obtain a reasonable economic return therefrom, then the application shall be delayed for a period not to exceed forty five (45) days. During this period of delay, the Commission shall investigate plans and make recommendations to the Village Board to allow for a reasonably beneficial use or a reasonable economic return, or to otherwise preserve the subject property. Such plans and recommendations may include, without limitation, the following: a relaxation of the provisions of this Title, a reduction in real property taxes, financial assistance, building code modifications, and/or changes in zoning regulations.
- D. Decision: If, by the end of this forty five (45) day period, the Commission has found that without approval of the proposed work, the property cannot be put to a reasonable beneficial use, or the owner cannot obtain a reasonable economic return therefrom, then the Commission shall issue a certificate of economic hardship approving the proposed work. If the Commission finds otherwise, it shall deny the application for a certificate of economic hardship.
- E. Appeal: When a certificate of economic hardship is denied, the applicant may appeal the Commission's decision in the same manner provided for certificates of appropriateness, as described in Section 14-5-5 of this Chapter. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

14-5-7: NATURAL DESTRUCTION OR DEMOLITION:

In the case of partial or complete natural destruction or demolition of a landmark or structure, building, site, or area within an historic district, the owner of record shall be required to obtain a certificate of appropriateness from the Commission prior to reconstruction. Although exact duplication of the previous structure may not be required, the exterior design of the property shall be in harmony with:

- A. The exterior design of the structure prior to damage, and

- B. The character of the historic district, where the structure, building, site or area is within an historic district. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

14-5-8: PENALTIES:

Any person who undertakes or causes an alteration, construction, demolition, or removal of any nominated or designated landmark without a certificate of appropriateness shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00). Any person who undertakes or causes an alteration, construction, demolition, or removal of any structure, building, site, or area within a nominated or designated historic district without having obtained a final decision from the Commission on a certificate of appropriateness application shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00). Every day such violation shall continue to exist shall constitute a separate violation. In addition to such penalties, the Village may institute any appropriate action or proceeding to enjoin, correct or abate any violation of this Title. (Ord. O2000-7, 4-18-2000, eff. 5-1-2000)

ATTACHMENT B
MUNICIPALITY MATRIX - LOCAL LANDMARKS

MUNICIPALITY (1)	ADVISORY BOARD/COMMISSION (2) NAME	NO. OF LOCAL LANDMARKS (3) DESIGNATED	ROLE OF ADVISORY (4) BOARD/COMMISSION	WITHDRAWAL OF LANDMARK (5) DESIGNATION
1. Hinsdale	Historic Preservation Commission (HPC)	22	Recommend to village board	Yes, by village board following HPC recommendation.
2. Glencoe	Historic Preservation Commission	88 (1)	Recommend to village board	Yes, by village board following HPC recommendation (2).
3. Oak Park	Historic Preservation Commission	68	Recommend to village board	Yes, by village board following HPC recommendation (3).
4. Wilmette	Historic Preservation Commission	30	Recommend to village board	Not allowed.
5. Lake Forest	Historic Preservation Commission	32	Recommend to city council	Yes, by city council following HPC recommendation (4).
6. Evanston	Preservation Commission (PC)		Recommend to city council	Yes, by city council following PC recommendation (5).
7. Highland Park	Historic Preservation Commission	72	Recommend to city council	Yes, by city council following HPC recommendation (6).
8. Naperville	Historic Preservation Commission	4	Recommend to city council	Not allowed
9. Downers Grove	Architectural Design Review Board (ADRB)	20	Recommend to village council	Not allowed
10. Winnetka	Landmark Preservation Commission	32	Recommend to village council	Yes, by village council following LPC recommendation (7).
11. Glen Ellyn	Historic Preservation Commission (LPC)	38	Recommend to village board	Yes, by village board following HPC recommendation (8).
12. River Forest	Historic Preservation Commission	2	Recommend to village board	Yes, by the HPC (9).
13. Riverside	Preservation Commission	69	Recommend to the village board	Yes, by the village board following PC recommendation.

NOTES

- (1) *Glencoe* - Includes two types of landmarks: a)Honorary; b) Certified. Of the 88 designated landmarks, 79 are Honorary and 9 Certified.
- (2) *Glencoe* - Landmark designation may be rescinded if the structure has been damaged or destroyed to the extent that the qualities it has resulting in it being a landmark no longer exist.
- (3) *Oak Park* - Designation may be rescinded by the same procedure and criteria used for original designation.
- (4) *Lake Forest* - Landmark designation must be in place for a minimum of two (2) years before withdrawal can be considered. Must be based on landmark no longer meeting the criteria used to approve status originally.
- (5) *Evanston* - Landmark designation must be in place for a minimum of 2-years. Application for withdrawal can only be made by the original applicant.
- (6) *Highland Park* - Landmark designation can be rescinded if the city council finds that the reasons for the original land marking are no longer present.
- (7) *Winnetka* - Landmark designation can be rescinded if: a)the structure is destroyed; b)additional information is provided validating that the structure doesn't meet the original designation criteria; c)the original designation was clearly made in error; d)there was a prejudicial procedural error in the designation process.
- (8) *Glen Ellyn* - Withdrawal of landmark may only be considered in the same manner and procedure used as in the original approval. If denied there is a one-year moratorium on any subsequent application.
- (9) *River Forest* - The HPC can withdraw a local landmark designation if it meets one of the following: a)it fails to meet designation criteria due to loss or destruction; b) additional information provided showing the structure doesn't meet designation criteria; c)original designation was made clearly in error; or, d) there was a prejudicial error in the initial designation process.

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ATTACHMENT C
MUNICIPALITY MATRIX - HISTORIC DISTRICTS

MUNICIPALITY (1)	ADVISORY BOARD/COMMISSION (2) NAME	NO. OF HISTORIC DISTRICTS (3) DESIGNATED	ROLE OF ADVISORY (4) BOARD/COMMISSION	WITHDRAWAL OF HISTORIC DISTRICT (5) DESIGNATION
1. Hinsdale	Historic Preservation Commission (HPC)	2	Advisory. Recommend to village board	Not allowed
2. Glencoe	Historic Preservation Commission	0	Advisory. Recommend to village board	Yes (1)
3. Oak Park	Historic Preservation Commission	3	Advisory. Recommend to village board	Not allowed
4. Wilmette	Historic Preservation Commission	2	Advisory. Recommend to village board	Not allowed
5. Lake Forest	Historic Preservation Commission	5	Advisory. Recommend to village board	Yes (2)
6. Evanston	Preservation Commission (PC)	3 (3)	Advisory. Recommend to city council (4)	Yes (5)
7. Highland Park	Historic Preservation Commission	3	Advisory. Recommend to city council	Not allowed
8. Naperville	Historic Preservation Commission	1	Advisory. Recommend to city council	Not allowed
9. Downers Grove	Architectural Design Review Board (ADRB)	0 (6)	Advisory. Recommend to village council	Not allowed
10. Winnetka	Landmark Preservation Commission (LPC)	0	Advisory. Recommend to village council	Not allowed
11. Glen Ellyn	Historic Preservation Commission	3	Advisory. Recommend to village board	Yes (7)
12. River Forest	Historic Preservation Commission	1 (8)	Advisory. Recommend to village board	Not allowed
13. Riverside	Preservation Commission	1 (9)	None.	Not allowed

NOTES

- (1) *Glencoe* - The historic district has ceased to meet the criteria for certified status because the qualities which it was approved on have been lost or destroyed.
- (2) *Lake Forest* - Historic district rescission can only be considered after designation has been in place for two years. Must be based upon a finding that the landmark no longer meets the criteria that it was approved on originally.
- (3) *Evanston* - Includes only locally designated districts; two (2) additional districts are on National Register of Historic Places.
- (4) *Evanston* - Requires an affirmative vote of eight (8) members of the PC (11 person commission) to consider rescinding a Historic District.
- (5) *Evanston* - Historic district can only be rescinded after a period of 2-years following designation. Application to be made by original applicant.
PC consideration includes determining whether the historic district no longer meets criteria for designation.
- (6) *Downers Grove* - Has two types of historic districts: a)Contiguous - 2 or more adjacent properties; b)Thematic - properties of similar characteristics.
- (7) *Glen Ellyn* - Historic district rescission may only be considered in the same manner and procedure as used in the original designation. If the rescission is not recommended favorably on by the HPC, or not approved by village board, there is a 1-year moratorium on any subsequent application.
- (8) *River Forest* - Historic district includes approximately 860 properties.
- (9) *Riverside* - With the exception of one subdivision, the boundaries of the village and historic district are co-terminus.

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ATTACHMENT D

MUNICIPALITY MATRIX - CERTIFICATE OF APPROPRIATENESS

1 MUNICIPALITY	2 ADVISORY BOARD/ COMMISSION NAME	3 SUBJECT TO REVIEW- LANDMARKS/HISTORIC DISTRICTS	4 TYPE OF IMPROVEMENTS SUBJECT TO REVIEW	5 STANDARDS FOR REVIEW CODIFIED	6 REVIEW ADVISORY OR MANDATORY (24)	7 APPROVAL AUTHORITY	8 APPEAL PROCESS (25)	9 ECONOMIC HARDSHIP PROCESS (1)
1. Hinsdale	Historic Preservation Commission (HPC)	All landmarked properties. All properties in historic districts.	Alterations, demolition or other physical modifications to exterior appearance.	Yes, General and Design standards	Advisory for all landmarked properties and all properties in historic districts.	HPC	Yes (2)	Available (3)
2. Glencoe	Historic Preservation Commission	All honorary landmarks (3A). All certified landmarks. All properties in historic districts.	Alterations, demolition or other physical modifications to exterior appearance.	Yes, General and Design standards	Advisory for honorary landmarks. Mandatory for certified landmarks. Mandatory for all properties in historic districts.	HPC	Yes (2)	Available (4)
3. Oak Park	Historic Preservation Commission	All landmarked properties. All properties in historic districts.	Alterations requiring a building permit, demolitions, alterations not requiring a building permit.	Yes	Advisory review for non-landmarked structures in historic district (5). Mandatory review for landmarked structures.	HPC	Yes (2)	Available (6)
4. Wilmette	Historic Preservation Commission	All landmarked properties. All properties in historic districts.	Alterations, demolition, new construction on a vacant lot.	Yes	Mandatory for all landmarked properties and all properties in historic districts.	Village board	N/A	Available (7)
5. Lake Forest	Historic Preservation Commission	All landmarked properties. All properties in historic districts.	New construction, alterations, additions which require a building permit (8)	Yes (9)	Mandatory for all landmarked properties and all properties in historic districts.	HPC	Yes (2)(10)	Available (7)
6. Evanston	Preservation Commission (PC)	All landmarked properties. All properties in historic districts.	Construction, demolition, alterations, including replacement doors and windows, storm windows and doors.	Yes (9)	Mandatory for all landmarked properties and all properties in historic districts.	PC/Staff (11)	Yes (12)	Available (13)
7. Highland Park	Historic Preservation Commission	All landmarked properties. All properties in historic districts.	Construction, reconstruction, rehabilitation, repair, alteration, or demolition.	Yes (14)	Mandatory for all landmarked properties and all properties in historic districts.	HPC	Yes (15)	Available (6)
8. Naperville	Historic Preservation Commission	All landmarked properties. All properties in historic district.	Construction, demolition or make a material change (16).	Yes	Mandatory for all landmarked properties and all properties in historic districts.	HPC/Staff (17)	Yes (18)	Not Available
9. Downers Grove	Architectural Design Review Board (ADRB)	All landmarked properties. All properties in historic district.	Addition, alteration, construction, demolition, rehabilitation or repair	Yes, General and Design Standards	Mandatory for all landmarked properties and all properties in historic districts	HPC/Staff (19)	Yes (20)	Available (6)
10. Winnetka	Landmark Preservation Commission (LPC)	All landmarked properties (Has no historic districts).	Alterations only	Yes, General and Design Standards	Advisory for landmarked properties.	LPC	No	Not Available

11. Glen Ellyn	Historic Preservation Commission	All landmarked properties. All properties in historic districts.	Alterations, construction, demolition, or other work on exterior of structure.	Yes (21)	Mandatory for all landmarked properties and all properties in historic districts.	HPC	Yes (2)	Available (6)
12. River Forest	Historic Preservation Commission	All locally landmarked properties. Demolition of a "significant property" (22).	Repair, rehabilitation, reconstruction restoration, demolition, improvement or signage, to or on street façade of a landmark.	Yes	Advisory for all landmarked and significant properties.	HPC	Yes (2)	Available (6)
13. Riverside	Preservation Commission	All landmarked properties. All properties in historic district (23).	Exterior construction, addition, alteration, renovation or demolition of designated buildings.	Yes	Mandatory for all landmarked properties and properties in historic district.	PC	Yes (2)	Available (6)

NOTES

- (1) *Column #9 Title* - A Certificate of Economic Hardship is a designation that allows for improvements to be made on landmarks when a certificate of appropriateness has been denied.
- (2) *Hinsdale, Glencoe, Oak Park, Lake Forest, Glen Ellyn, River Forest, Riverside* - Decision of HPC can be appealed to the village board.
- (3) *Hinsdale* Can be granted by HPC. If denied appeal can be made to the village board.
- (3A) *Glencoe* - Properties with this designation not eligible for Tax Freeze.
- (4) *Glencoe* - As part an appeal of denial of a certificate of appropriateness to the village board, the applicant can appeal on the basis of an "economic hardship".
- (5) *Oak Park* Advisory reviews are conducted by Architectural Review Committee and village staff when the improvements are limited to the following: a)restoration to original conditions; b)no changes to exterior materials; c)changes not visible from public right-of-way
c)changes not visible from public right-of-way.
- (6) *Oak Park, Highland Park, Downers Grove, Glen Ellyn, River Forest, Riverside* - HPC has authority to determine economic hardship. Appeals can be made to the village board.
- (7) *Wilmette, Lake Forest* - HPC makes recommendation to village board, which has final authority to grant/deny.
- (8) *Lake Forest* - Only additions that are "...visible, at any time of the year, in whole or in part, from any public right-of-way, publicly owned land or adjacent private property."
- (9) *Lake Forest* - Very detailed and complicated required standards.
- (10) *Lake Forest* - Appeals of an approval of a CofA can be made by "any aggrieved person" to the city council.
- (11) *Evanston* - PC has jurisdiction over "major work projects"; staff has jurisdiction over "minor work projects". Minor projects are defined as those alterations, additions that are not substantial and not precedent setting.
- (12) *Evanston* - Appeals considered by planning and development committee of the city council.
- (13) *Evanston* - PC has authority to approve a certificate of economic hardship. Denial by PC can be appealed to city council.
- (14) *Highland Park* - For new structures 14 criteria established; for all other "regulated" improvements 21 criteria are identified.
- (15) *Highland Park* - Appeals of all decisions of the HPC (approval or denial of CofA) can be appealed to the city council.
- (16) *Naperville* - Specifically excludes secondary or rear facades, in-kind replacement of building materials, painting, signs, storm windows/doors and new detached garages.
- (17) *Naperville* - HPC has jurisdiction over "major work"; staff has jurisdiction over "minor work". Minor work includes in-kind replacement of doors, windows, exterior building materials, porches, shutters and awnings.
- (18) *Naperville* - Decisions of the staff (zoning administrator) can be appealed to the HPC. Decisions of the HPC can be appealed to the city council.
- (19) *Downers Grove* - CofA for "Minor Exterior Modifications" under authority of director of community development; CofA for "Major Exterior Modifications under authority of ADRB.
- (20) *Downers Grove* - Appeal of director's decision made to ADRB; appeal of ADRB decision made to village council.
- (21) *Glen Ellyn* - Specific standards not identified; rather it is required that improvements meet rehabilitation standards of the US Department of the Interior.
- (22) *River Forest* - A "significant property" is designated on the village's significant properties survey.
- (23) *Riverside* - With the exception of one subdivision, the boundaries of the village and the historic district are co-terminus.
- (24) *Column #6 Title* - An Advisory review requires a review of a CofA by an advisory board/commission, with its decision only advisory. A Mandatory review requires review of a CofA by the advisory board/commission, its decision being binding.
- (25) *Column #8 Title* - Appeal process allows for the denial of a CofA by an advisory board/commission to be appealed to the city council/village board.

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