

**VILLAGE OF DOWNERS GROVE**  
**REPORT FOR THE VILLAGE COUNCIL WORKSHOP**  
**JUNE 26, 2007 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
Historic Preservation Ordinance	Resolution ✓ Ordinance Motion Discussion Only	Tom Dabareiner, AICP Community Development Director

**SYNOPSIS**

An ordinance has been prepared to amend the Village Code to include a historic preservation ordinance and officially establish the Architectural Design Review Board as the Village's Historic Preservation Commission.

**STRATEGIC PLAN ALIGNMENT**

The Five Year Plan and Goals for 2006-2011 identified *Preservation of the Residential and Neighborhood Character*. Supporting these goals are the objectives *Continuing Reinvestment in the Neighborhoods*, the 2006-2007 Policy Actions *Historic Preservation Ordinance: Policy Direction and Implementation* (Moderate Priority).

**FISCAL IMPACT**

On an annual basis as a part of the municipal budget process, the fiscal impact of the ordinance will be evaluated.

**RECOMMENDATION**

Approval on the July 3, 2007 active agenda.

**BACKGROUND**

A draft Historic Preservation Ordinance was prepared by the Village in 2005. This ordinance is meant to preserve the Village's historically significant buildings and sites. If adopted, the ordinance will provide a tool for the Village to preserve its historic resources. Currently, there is no Village-ordained method for residents to preserve historically significant structures.

The ordinance has four major components (described below) that work together to allow property owners and neighborhoods to voluntarily place extra protections on their properties. The ordinance contains strong owner-consent provisions that protect property owners from having others (including the Village) apply the historic preservation regulations to properties without owners' consent.

The Architectural Design Review Board ("ADRB") will receive nominations from property owners and neighborhoods; review the nominations based on standards set forth in the ordinance and make a recommendation to Council on whether or not to designate the property or neighborhood as "historic." Once a property or neighborhood is designated as historic, property owners must receive a Certificate of Appropriateness to complete modifications to their properties. In most cases, the ADRB issues a Certificate of Appropriateness in a public meeting format.

### *1. Historic Preservation Commission*

The ordinance creates a Historic Preservation Commission and sets forth the members' terms, required qualifications and the commission's duties. As written, the ordinance designates the Architectural Design Review Board as this commission. The ADRB would administer the Historic Preservation Ordinance. The ADRB would still be available for other necessary duties assigned by the Village Council.

### *2. Historic Landmarks*

The Historic Preservation Ordinance creates a process by which a property owner could apply to the Village to have their property recognized as a historic landmark. Properties must meet certain criteria as outlined by the ordinance to be designated as a landmark. By designating a property as a landmark, the owner protects the property as it currently exists.

Properties are designated as Historic Landmarks only after going through a public hearing process. The ordinance requires that the property owner sign the petition before it is reviewed. The ADRB makes recommendations to the Village Council after the public hearing and the Village Council approves or rejects the designation. If the designation is approved, it is recorded with DuPage County and identified on the Village's zoning map.

### *3. Historic Districts*

The ordinance also provides residents the opportunity to place the historic preservation regulations on neighborhoods having a large concentration of historic homes. The area must meet certain criteria to be designated as a historic district and 51% of the property owners in the proposed district must sign the petition for nomination. By designating an area as a Historic District, all properties within it must receive ADRB approval for most modifications.

Historic Districts are created through a public hearing process. There would be a preliminary hearing and a final hearing conducted by the ADRB. The first hearing would preliminarily determine the merits of the district nomination. Notice of the ADRB's preliminary determination would be sent to owners within the proposed district. After notice is sent, a final hearing is scheduled and the ADRB would make recommendations to the Village Council. If the designation is approved, the district is recorded with DuPage County and placed on the Village's zoning map.

### *4. Certificates of Appropriateness*

A Certificate of Appropriateness (COA) is required to complete most modifications to properties designated as Historic Landmarks and/or in Historic Districts. COAs generally require ADRB approval through a public meeting process for major projects such as additions, teardowns, new homes, accessory structures over 100 square feet and removal of historic materials. An owner may appeal the conditions or denial of a COA to the Village Council if they are not satisfied with the ADRB's decision.

COAs can be issued administratively for minor work such as landscaping, rear decks and porches, accessory structures less than 100 square feet and major interior renovations that do not impact the historic features of a building as described by the original designation. Work such as exterior painting, routine maintenance and repair, and minor interior modifications do not require COAs. All COAs must be obtained prior to receiving a building permit. The finished work must comply with

the conditions (if any) outlined in the COA and Community Development staff will inspect the work prior to issuing a Certificate of Occupancy.

The ADRB originally discussed the draft ordinance in 2006 and forwarded a recommendation to the Village Council in June 2006. The Board recommended the Village Council move forward with the draft ordinance. The ADRB also recommended the Village receive more public input regarding the ordinance's specific requirements prior to adopting any regulations. The Council reviewed the recommendation in December 2006 and directed the ADRB to hold public hearings and forward a recommendation regarding the draft ordinance within 90 days.

The ADRB held two public hearings on February 22 and February 24, 2007. At the February 24, 2007 hearing, the Board recommended unanimous approval of the draft ordinance. Staff made the recommended changes to the draft ordinance and made some additional modifications that were deemed administratively appropriate. Due to the nature of these changes, staff requested the ADRB review the ordinance at an additional public meeting. The Board held a meeting on May 31, 2007 and recommended unanimous approval of the revised ordinance. Staff concurs with this recommendation.

#### **ATTACHMENTS**

Draft historic preservation ordinance

Staff Memorandum dated May 31, 2007

Updated Staff Report dated February 2007

Minutes of the February 13, 2007; February 22, 2007; February 24, 2007 and May 31, 2007 meetings

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ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE ESTABLISHING  
AN HISTORIC PRESERVATION ORDINANCE**

WHEREAS, the Village of Downers Grove contains a number of structures and areas that embody a sense of time and place unique to the Village or which exemplify or reflect the cultural, social, economic, political or architectural history of the Nation, the State or the Village; and

WHEREAS, movements and shifts of population and the changes in residential, commercial and industrial uses and customs threaten the destruction of areas, places, structures, works of art, and other objects having special historic, community, architectural or aesthetic importance, interest, or value and whose preservation and continued utilization are necessary and desirable for the enjoyment and beauty of the Village and for the welfare of its residents; and

WHEREAS, the protection of the historic and architectural character and resources of the Village is necessary for the promotion of its economic development and to meet its stated goal of preserving the balance between tradition and progress; and

WHEREAS, the Mayor and Council have determined that it is necessary and desirable to preserve buildings, structures, and sites of historical and architectural significance in the Village; and

WHEREAS, the Mayor and Council have determined that it is necessary to create an entity charged with identifying and overseeing the Village's historic landmarks, districts and sites and preserving same for the use, observation, education, enjoyment, and general welfare of the residents of the Village; and

WHEREAS, the authority for these purposes is found in the Illinois Historic Preservation Act 20 ILCS 3410/1 et. seq. and the Illinois Municipal Code, 65 ILCS 5/11-48.2-1 et. seq., which grant powers to the Mayor and Council to provide for official landmark designation of areas, places, buildings, structures, and other objects having special, historical, community or aesthetic interest or value, and in connection with such areas to impose regulations governing construction, alteration, demolition and use, and to adopt other additional measures appropriate for their preservation, protection, enhancement, rehabilitation, reconstruction, perpetuation or use; and

WHEREAS, the Village is further authorized to enact an Historic Preservation Ordinance pursuant to its Home Rule power as such an ordinance pertains to its government and affairs.

NOW, THEREFORE, BE IT ORDAINED by the Village Council of the Village of Downers Grove in DuPage County, Illinois, as follows: (Additions are indicated by **shading**/underline; deletions by ~~strikeout~~):

**Section 1. That Section 2.53. is hereby amended to read as follows:**

**2.53. Appointment of members to boards and commissions.**

(a) Members of the following boards and commissions shall be appointed by the Village Council as provided herein:

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Library Board of Trustees - all members as provided by law.

(b) Members of the following boards and commissions shall be appointed by the Mayor as provided herein:

Police Pension Board - two members, with balance as provided by statute.

Fire Pension Board - two members, with balance as provided by statute.

(c) Members of the following boards and commissions shall be appointed, and the chairperson designated, by the Mayor, subject to confirmation by the Village Council:

Plan Commission

Zoning Board of Appeals

Human Service Commission

Board of Fire and Police Commissioners

Community Grants Commission

Community Events Commission

Stormwater and Flood Plain Oversight Committee

Electrical Commission

Parking and Traffic Commission

Liquor Commission

Technology Commission

Environmental Concerns Commission

Transportation Advisory Commission

Architectural Design Review Board

(d) Members of the following boards and commissions shall be appointed, and the chairperson designated, by the Village Manager:

Design Review Committee

(e) Members of the following boards and commissions shall be appointed, and the chairperson designated, by the Village Manager, subject to confirmation by the Village Council:

Building Board of Appeals

(f) Each member of a board or commission, including the chairman, shall hold office until the expiration of the term for which such member was appointed or until such time as a successor has been appointed or qualified, unless prior to such time such member resigns his/her position or is removed from it by the appointing official.

(g) Vacancies on any board or commission shall be filled as soon as possible for the unexpired term of the member whose place has become vacant.

(h) Each member of a board or commission shall be a resident of the Village unless otherwise specifically provided.

(i) Only duly appointed members may vote on any matter before any board or commission.

(j) The Mayor may, in his/her discretion, subject to confirmation by the Village Council, appoint for a one (1) year term, a student who will be enrolled in the 11th grade during the majority of his/her term on the following boards and commissions:

(1) Human Services Commission;

(2) Environmental Concerns Commission;

(3) Community Events Commission; and

(4) Grants Commission.

Each student shall reside within the Village of Downers Grove and shall be a voting member of the board or commission. Any student member appointed pursuant to this section may be in addition to any regularly appointed members of the board or commission as established by Ordinance. (Ord. No. 3266, § 34; Ord. No. 3294, § 1.)

**Section 2. That Section 2.55DIV. is hereby amended to read as follows:**

**2.55DIV. Division 3. Architectural Design Review Board.**

**Section 3. That Section 2.56. is hereby amended to read as follows:**

**2.56. Created; composition; terms of office.**

An Architectural Design Review Board is hereby created, which commission shall consist of seven members appointed for staggered terms of three (3) years each. Members shall hold office for their designated terms until their successors have been appointed. Two (2) members shall be architects , one (1) member shall be an attorney, one (1) member shall be a representative of the Downers Grove Historical Society and three (3) members shall be citizens from the general public. (Ord. No. 1622, § 2; Ord. No. 3266, § 34.)

**Section 4. That Section 2.57. is hereby amended to read as follows:**

**2.57. Powers and Duties.**

The Architectural Design Review Board shall have the following powers and duties:

- a. Administer the historic preservation provisions of this Code;
- b. Perform such additional duties as the Village Council may direct. (Ord. No. 1622, § 2; Ord. No. 2261, § 21; Ord. No. 2641, § 2; Ord. No. 3266, § 34.)

**Section 5. That Section 12.100. is hereby added to read as follows:**

**12.100. Findings.**

The purpose of this ordinance is to promote the protection, enhancement, perpetuation, and use of improvements of special character or historical interest or value in the Village of Downers Grove by:

- I. Providing a mechanism to identify and preserve the historic and architectural characteristics of the Village which represent elements of the Village’s cultural, social, economic, political and architectural history;
- II. Promoting civic pride in the beauty and noble accomplishments of the past as represented in the Village’s landmarks and historic districts;
- III. Stabilizing and improving the economic vitality and value of Downers Grove’s landmarks and historic areas;
- IV. Protecting and enhancing the attractiveness of the Village to home buyers, visitors and shoppers and thereby supporting business, commerce, industry, and providing economic benefit to the Village;
- V. Fostering and encouraging preservation and restoration of structures, areas, and neighborhoods and thereby preventing future urban blight.

**Section 6. That Section 12.200. is hereby added to read as follows:**

**12.200. Definitions.**

For the purposes of this Chapter, the following words and phrases shall have the meanings ascribed to them as follows:

*Alteration.* Any act or process that changes one or more of the architectural features of a structure, including, but not limited to the erection, construction, reconstruction, or removal of any structure.

*Addition.* Any act or process which changes one or more of the exterior architectural features of a structure by adding to, joining with or increasing the size or capacity of the structure.

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*Board.* The Downers Grove Architectural Design Review Board.

*Building.* Any structure enclosed with walls and a permanent roof created for the support, shelter or enclosure of persons, animals or property of any kind and which is permanently affixed to the land.

*Building Survey.* A written report conducted by an Illinois licensed architect or other qualified third party professional identifying at a minimum the architectural style, historical status and condition of all structures and properties within a proposed historic district.

*Certificate of Appropriateness.* A certificate issued by the Board pursuant to Section 12-700.

*Construction.* The act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

*Council.* The Village Council of the Village of Downers Grove.

*Demolition.* Any act or process that destroys in part or in whole a building, structure or accessory structure.

*Department.* The Department of Community Development.

*Design Guideline.* A standard of appropriate activity that will preserve the historic and architectural character of a structure or area.

*Director.* The Director of the Department of Community Development.

*Exterior Architectural Appearance.* The architectural and general composition of the exterior of a structure, including, but not limited to the kind, color, and the texture of the building material and the type, design and character of all windows, doors, light fixtures, signs, and appurtenant elements.

*Exterior Modification.* Any alteration, addition, construction, demolition, rehabilitation, removal or repair.

*Historic District.* A specific geographic area containing more than two contiguous properties designated by resolution of the Village Council after a recommendation by the Board.

*Landmark.* Any building, structure or site which has been designated as a landmark by resolution of the Village Council after a recommendation by the Board.

*Owner Consent Form.* A form provided by the Village identifying the owner(s) of record and their consent to landmark or historic district designation.

*Owner of Record.* The person, corporation, or other legal entity listed on the records of the County Recorder of Deeds.

*Rehabilitation.* The process of returning a property to a state of utility, through repair or alteration of the exterior of the property, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural and cultural values.

*Removal.* Any relocation of a structure on its site or to another site.

*Repair.* Any external change that does not require a building permit or that is not construction, removal or alteration.

*Structure.* Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including, but not limited to buildings, fences, gazebos, advertising signs, backstops for tennis courts, radio and television antennae, including supporting towers, swimming pools, satellite dishes, solar panels and wind generation devices.

*Structural Change.* Any change or repair in the supporting members of a building, structure, roof or exterior walls or which would expand, reduce, or otherwise substantially modify the building in height, width or bulk.

### **Section 7. That Section 12.300. is hereby added to read as follows:**

#### **12.300. Landmark Designation Procedures.**

1. An application for landmark designation may be submitted by any interested party or by the owner(s) of record of the property on which the proposed landmark is located. A filing fee may be provided for by administrative regulation.

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2. Applications for landmark designation shall be filed with the Department on a form provided by the Department and shall include the following, unless specifically waived by the Director:

- a. The name and address of the property owner(s).
- b. Owner Consent Form.
- c. Proof of ownership.
- d. The legal description and common street address of the property.
- e. A written statement describing the property and setting forth reasons in support of the proposed designation.
- f. A written statement indicating the applicant(s) is in receipt of a copy of the Historic Preservation Ordinance and acknowledging its requirements.
- g. A list of significant exterior architectural features .
- h. An overall site plan and photographs of the proposed landmark.
- i. Any other information required by the Director.

3. An application for landmark designation shall be deemed to be complete only if the application is accompanied by an owner consent form containing the signatures of all owners of record of a property on which the proposed landmark is located.

4. Within thirty (30) days of the receipt by the Department of a completed application for landmark designation, the Board shall schedule a public hearing on the application, said hearing to be held no more than sixty (60) days after such receipt.

- a. Not less than fifteen (15) nor more than thirty (30) days prior to the date of the hearing, notice of date, time, place and purpose of the public hearing shall be sent by first class mail to the applicants as well as to the owners of all property located within two hundred fifty (250) feet of the proposed landmark. The public hearing notice shall also be published once in a newspaper having general circulation in the Village, not less than fifteen (15) nor more than thirty (30) days prior to the date of the hearing. The failure of any person to receive written notice shall not invalidate, impair or otherwise affect any action taken regarding the proposed landmark.
- b. During the public hearing, the Board shall review and evaluate the application according to the criteria set forth in Section 12.400. A majority vote of the Board shall be necessary to make a recommendation to the Council regarding the application.
- c. Within thirty (30) days following the date of the closing of the public hearing, the Board shall prepare its written evaluation, recommendation and all available information for submission to the Council. A resolution passed by majority vote of the Council is necessary for approval of a landmark. If the Council approves or denies the application, a notice shall be sent to the property owner(s) of record via certified mail, to the Department of Community Development, and to the Village Clerk's office. The Village, within thirty (30) days of the approval, shall cause the approved landmark designation to be recorded with the County Recorder of Deeds. If the Council denies the application, such denial shall constitute a final administrative decision subject to review administratively as provided by law.
  - i. If a building and/or site is designated as a landmark by the Council, such designation shall be identified on the Village's Official Zoning Map.
  - ii. Landmark designation may be amended or rescinded by the same procedure and according to the same criteria set forth herein for designation.
  - iii. If an application is denied, the owner(s) of record may not reapply for landmark status for two (2) years from the date of the denial by the Council.



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### **Section 8. That Section 12.400. is hereby added to read as follows:**

#### **12.400. Landmark Designation Criteria.**

The following criteria shall be utilized by the Board in determining the designation of landmarks:

- a. Significant value as part of the historic, heritage or cultural characteristics of the community, county, State or Nation;
- b. Identification with a person or persons who significantly contributed to the development of the community, county, State or Nation;
- c. Representative of the distinguishing characteristics of architecture inherently valuable for the study of a period, type, method of construction or use of indigenous materials;
- d. Notable work of a master builder, designer, architect or artist whose individual work has influenced the development of the community, county, State or Nation;
- e. Unique location or singular physical characteristics that make it an established or familiar visual feature;
- f. Character as a particularly fine or unique example of a utilitarian structure, including but not limited to farmhouses, gas stations, or other commercial structures, with a high level of integrity or architectural significance;
- g. Area that has yielded or may be likely to yield, information important in history or prehistory.
- h. A source of civic pride or identity for the community.

### **Section 9. That Section 12.500. is hereby added to read as follows:**

#### **12.500. Historic District Designation Procedures.**

1. An application for the designation of an historic district may be submitted by any interested party. A filing fee may be provided for by administrative regulation.

2. Applications for historic district designation shall be filed with the Department on a form provided by the Department and shall include the following, unless specifically waived by the Director:

- a. The names and addresses of the property owners of each parcel of property to be included in the proposed district.
- b. Owner Consent Form signed by all owners of record of 51% or more of the properties to be included in the proposed historic district.
- c. Proof of ownership for all of the petitioning property owners.
- d. Photographs of the proposed district supporting the application.
- e. A written statement indicating the owners of record included on the owner consent form have received copies of the Historic Preservation Ordinance and acknowledging its requirements.
- f. A map delineating the boundaries of the area proposed to be designated.
- g. A written statement describing the area and properties within the historic district and setting forth reasons in support of the proposed designation.
- h. A list and photographs of significant exterior architectural features of properties in the district.
- i. A building survey for all buildings within the proposed district.
- j. Any other information required by the Director.

3. A preliminary hearing concerning the application shall be held by the Board within thirty (30) days of the receipt of the application by the Department. The following procedure shall be used for the

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### preliminary hearing regarding the designation of historic districts:

- a. Not less than fifteen (15) nor more than thirty (30) days prior to the date of the hearing, notice of date, time, place and purpose of the public hearing shall be sent by first class mail to owner(s) of record in the proposed district and to the applicant(s), as well as the owners of all property located within two hundred fifty (250) feet of the boundaries of the proposed historic district. The public hearing notice also shall be published once in a newspaper having general circulation in the Village of Downers Grove not less than fifteen (15) nor more than thirty (30) days prior to the date of the hearing.
  - b. During the preliminary public hearing, the Board shall review and evaluate the application according to the criteria established by Section 12.600 and shall make a preliminary determination by majority vote regarding designation of the proposed historic district. Such preliminary determination shall be sent via certified mail to all owners of record within the proposed district.
4. The Board shall, within thirty (30) days of the preliminary determination, schedule a public hearing on the application, said hearing to be held no more than sixty (60) days after the date of the preliminary determination.

- a. Not less than fifteen (15) nor more than thirty (30) days prior to the date of the hearing, notice of date, time, place and purpose of the public hearing shall be sent by first class mail to the owner(s) of record in the proposed historic district and to the applicant(s) as well as to the owners of property located within two hundred fifty (250) feet of the boundaries of the proposed historical district. The public hearing notice also shall be published once in a newspaper having general circulation in the Village of Downers Grove, not less than fifteen (15) nor more than thirty (30) days prior to the date of the hearing. The failure of any person to receive written notice shall not invalidate, impair or otherwise affect any action taken regarding the proposed historic district.
- b. During the public hearing, the Board shall review and evaluate the application according to the criteria established by Section 12.600. A majority vote of the Board shall be necessary to make a recommendation to the Council regarding the application.
- c. Within thirty (30) days following the date of the closing of the public hearing, the Board shall prepare its written evaluation, recommendation and all available information for submission to the Council. A resolution passed by majority vote of Council is necessary for approval of an historic district. If the Council approves or denies the application, a notice shall be sent to the property owner(s) of record via certified mail. Written copies of the decision shall be provided to the Department of Community Development and the Village Clerk. The Village shall, within thirty days of approval, cause the approved historic district determination to be recorded with the County Recorder of Deeds. If the Council denies the application, such denial shall constitute a final administrative decision subject to administrative as provided by law.
  - i. If a building and/or site is designated as an historic district by the Council, such designation shall be identified on the Village's Official Zoning Map.
  - ii. Historic designation may be amended or rescinded by the same procedure and according to the same criteria set forth herein for designation.
  - iii. If an application is denied by the Council, the property may not be the subject of an application for a period of two (2) years from the date of the denial by the Council.

### Section 10. That Section 12.600. is hereby added to read as follows:

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### 12.600. Historic District Criteria.

The following criteria shall be utilized by the Board in determining the designation of historic districts:

- a. The proposed historic district contains two or more contiguous properties along with such other buildings, places or areas within its definable geographic boundaries which, while not of such historic significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located in such district;
- b. A significant concentration of structures meeting any of the criteria for landmark designation;
- c. The proposed district establishes a sense of time and place unique to the Village of Downers Grove, and/or;
- d. The proposed district exemplifies or reflects the cultural, social, economic, political or architectural history of the nation, the state, or the community;
- e. An area nominated for designation as an historic district shall be identifiable by clear and distinct boundaries.

**Section 11. That Section 12.700. is hereby added to read as follows:**

### 12.700. Certificate of Appropriateness.

In addition to a building permit, demolition permit or moving permit, as the case may be, a certificate of appropriateness shall be required for all exterior modifications made to landmarks or to any building, structure, site or part thereof located within an historic district.

**Section 12. That Section 12.701. is hereby added to read as follows:**

### 12.701. Application.

An application for a Certificate of Appropriateness (COA) shall be on a form provided by the Department and shall be submitted to the Department. A filing fee may be required pursuant to administrative regulation. Such application shall include the following:

- a. Owner's name, street address and legal description of the property involved.
- b. A brief description of the present improvements located on the property.
- c. A detailed description of the exterior modification proposed together with architectural drawings or sketches, if applicable.
- d. Name, address and telephone number of the developer, contractor or architect, if applicable.
- e. Any other information as required by the Director.

**Section 13. That Section 12.702. is hereby added to read as follows:**

### 12.702. Issuance.

1. The Director may issue a Certificate of Appropriateness (COA) for minor exterior modifications proposed to the landmark or building, structure, site or part thereof located within an historic district. Minor exterior modifications are as follows:

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- a. Installation or removal of landscaping.
- b. Construction or alteration of fences.
- c. Construction or alteration of patios.
- d. Construction or repair of driveways and sidewalks.
- e. Construction of new sheds.
- f. Construction or alteration of open rear porches or decks.
- g. Demolition or alteration of accessory structures not contributing to historic significance as defined by the findings of the Board.
- h. Replacing or repairing wood or asphalt shingles.
- i. Exterior painting.
- j. Construction of new exterior steps.
- k. Routine maintenance or cleaning.
- l. Replacing aluminum clad or vinyl clad windows not original to the structure or contributing to the historic significance as defined by the findings of the Board.
- m. Repairing damaged architectural features to their original state.
- n. Replacing aluminum or vinyl siding when associated with a structure not contributing to the significance of an historic district.

2. If the proposed work does not fall within the definition of minor exterior modification as set forth above, then the proposed work shall be considered a major exterior modification and the consideration of the COA shall be by the Board as follows:

- a. Within thirty (30) days from the receipt by the Director of a completed application for a COA, the Board shall schedule a public hearing on the application, such hearing shall be held not more than sixty (60) days after such receipt.
- b. Not less than fifteen (15) nor more than thirty (30) days prior to the date of the hearing, notice of the time, place and purpose of the public hearing shall be sent by first class mail to the applicant(s) as well as to the owners of all property located within two hundred fifty (250) feet of the property which is the subject of the proposed certificate of appropriateness. If the property is located within an historic district, all property owners within the historic district shall be sent notice by certified mail. The public hearing shall also be published once in a newspaper having general circulation in the Village not less than fifteen (15) nor more than thirty (30) days prior to the date of the hearing. The failure of any person to receive written notice shall not invalidate, impair or otherwise affect any action taken regarding the COA.
- c. During the public hearing, the Board shall review and evaluate the application according to the criteria set forth in Section 12.703 and 12.704. A simple majority vote of the Board shall be necessary for the approval of a COA.
- d. The Board shall notify the applicant of its decision in writing within fifteen (15) days of the date of the hearing. If approved, the Director shall issue the COA. If denied, the notice shall state the reasons for such denial.
- e. The COA shall remain valid for one year or until a building permit is issued, whichever is less. If substantial changes to the plans submitted with the certificate are required, a new certificate shall be required.

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- f. Applicant(s) denied the issuance of a COA may appeal the decision the Board to the Village Council within thirty (30) days from the date of mailing of the notice of the decision of the Board as provided by Section 12.705.
- g. All permits involving the issuance of a COA shall be subject to a COA compliance inspection. Such inspection shall be completed by the Department of Community Development prior to the issuance of any Certificate of Occupancy.

### **Section 14. That Section 12.703. is hereby added to read as follows:**

#### **12.703. Reviewing Criteria for Certificate of Appropriateness.**

In making a determination whether to approve or deny an application for a Certificate of Appropriateness (COA) the Board shall be guided by the Secretary of the Interior's "Standards for Rehabilitation," as follows:

- a. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site environment;
- b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided;
- c. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken;
- d. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved;
- e. Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure, or site shall be treated with sensitivity;
- f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities, and, where possible materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence;
- g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of the structures, if appropriate, shall be undertaken using the gentlest means possible;
- h. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken;
- i. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment;
- j. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- k. Non-contributing structures in historic districts as defined by the building survey submitted with the application for designation of an historic district are exempt from these criteria and shall only be subject to the design guidelines set forth in Section 12.704.

### **Section 15. That Section 12.704. is hereby added to read as follows:**

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### **12.704. Design Guidelines for a Certificate of Appropriateness.**

Design guidelines for applying the criteria for review of Certificates of Appropriateness (COAs) shall at a minimum, consider the following architectural criteria:

- a. Height - the height of any proposed alteration or construction should be compatible with the style and character of the landmark and with surrounding structures in a historic district;
- b. Proportions of windows and doors - The proportions and relationships between doors and windows should be compatible with the architectural style and character of the landmark;
- c. Relationship of Building Masses and Spaces - The relationship of a structure within a historic district to the open space between it and adjoining structures should be compatible;
- d. Roof Shape - The design of the roof, fascia, and cornice should be compatible with the architectural style and character of the landmark;
- e. Landscaping - Landscaping should be compatible with the architectural character and appearance of the landmark;
- f. Scale - The scale of the structure after alteration, construction, or partial demolition should be compatible with its architectural style and character and with surrounding structures in a historic district;
- g. Directional Expression - Facades in historic districts should blend with other structures with regard to directional expression. Structures in a historic district should be compatible with the dominant horizontal or vertical expression of surrounding structures. Directional expression of a landmark after alteration, construction, or partial demolition should be compatible with its original architectural style and character;
- h. Architectural Details - Architectural details including types of materials, colors, and textures should be treated so as to make the landmark compatible with its original architectural style and character of a landmark or historic district;
- i. New Structures - New structures in an historic district shall be compatible with the architectural styles and design in said districts.

**Section 16. That Section 12.705. is hereby added to read as follows:**

### **12.705. Appeal of Denial of a Certificate of Appropriateness.**

When a Certificate of Appropriateness (COA) is denied for either a landmark or a structure within an historic district, the applicant may, within thirty (30) days, appeal the Board's decision to the Council. Notice of such appeal shall be in writing to the Village Manager, who shall notify the Department. The Department shall prepare the record and forward it to the Council. The Council may receive comments on the contents of the record but no new material may be considered by the Council. The Council may affirm or overturn the decision and may also send the application back to the Board with recommended changes. Decisions of the Council shall constitute final administrative decisions subject to administrative review as provided by law.

**Section 17. That Section 12.706. is hereby added to read as follows:**

### **12.706. Penalties.**

Any person who violates any provision of this Chapter shall be guilty of an offense subject to the general penalties for ordinance violations pursuant to Section 1.15. the Downers Grove Municipal Code.

Historic Preservation

**Section 17.** That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section 18.** That this ordinance shall be in full force and effect ninety (90) days after its passage and publication in the manner provided by law.

\_\_\_\_\_  
Mayor

Passed:

Published:

Attest: \_\_\_\_\_  
Village Clerk



# DEPARTMENT OF COMMUNITY DEVELOPMENT MEMO

**To:** Architectural Design Review Board  
**From:** Jeff O'Brien, AICP, Senior Planner  
**Subject:** **Historic Preservation Ordinance**  
**Date:** **May 31, 2007**

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The purpose of the May 31 meeting is to review the modifications that have been made to the Draft Historic Preservation Ordinance as a result of the ADRB's recommendations from February 24, 2007. Copies of the revised and original draft ordinances are attached. The ADRB made several recommendations to the draft at the February 24, 2007 hearing. Those recommendations are as follows.

1. An Owner Consent Form shall be signed by all owners of record and submitted at the time of application for Historic Landmark designation. *This has been added into the draft. See Section 12.300(2) and 12.300(3) on page 5.*
2. An Owner Consent Form shall be signed by all owners of record of 51% of the properties and submitted at the time of application for Historic District designation. *This has been added into the draft. See Section 12.300(2)(b) on page 6.*
3. A Certification of Acknowledgement of Historic Preservation Ordinance Requirements shall be signed by all owners of record and submitted at the time of application for Historic Landmark and/or Historic District designation. *This requirement has been added. See Section 12.300(2)(e) on page 5 and Section 12.500(2)(e).*
4. Photographs of all elevations for all buildings shall be included in an application for Historic Landmark or Historic District designation. Elevation drawings shall be optional at the discretion of the Director and/or the Architectural Design Review Board. *Photographs have been added as a requirement for applications. See Section 12.300(2)(h) on page 5 and Section 12.500(2)(d) and (h) on page 6.*
5. Persons eligible for nomination of Historic Landmarks and/or Historic Districts shall not include members of the Village Council or the Architectural Design Review Board, unless such individual owns the property(ies) in question. *Any interested party may nominate a property and/or district, but the proper Owner Consent forms must be filed with the Village before any application can move forward. See #1 above and 12.300(1) on page 5 and 12.500(1) on page 6.*
6. Section xx.005 – Creation of Downers Grove Historic Preservation Commission shall be relocated to Chapter 2, Article IV of the Municipal Code. *The draft reflects this modification and includes the exact numbering. See pages 1-4 of the draft.*
7. Correction of technical and typographical errors. *All typographical errors have been corrected.*
8. Tying the enforcement provisions of the Historic Preservation Ordinance into the existing building and zoning remedies. *The regular Village penalties now apply to the Historic Preservation Ordinance. See Section 12.706 on page 12.*
9. Removing the word "exterior" from the definition of "alteration". *The definition of "alteration" has been modified. See Section 12.200 on page 4.*
10. Adding the following items from Mr. Lerner's e-mailed letter, specifically:
  - a. Item 5 – Adding "Civic Pride" to the criterion; *This criterion has been added. See Section 12.400(h) on page 6.*



- b. Item 8 – require Historic Landmarks and Districts to be designated on the Official Zoning Map; *Historic Landmarks and Districts are required to be designated on the Village’s Zoning Map. See Sections 12.300(4)(c)(i) on page 6 and 12.500(4)(c)(i) on page 7.*
- c. Item 10 – Make the Landmark and District designation process consistent; *The processes are more consistent. However, there is an added step for Historic District designation. Prior to making a recommendation to the Village Council, the ADRB will hold a preliminary hearing to determine if the proposed district is appropriate. This will also provide residents of the proposed district an additional notice. Staff believes this additional step is necessary for historic districts in lieu of increasing the percentage of owners consenting to the designation. Other than this added step, the language and numbering for designating Landmarks and Districts are consistent. See Sections 12.300 on pages 5-6 and 12.500 on pages 6-7.*
- d. Item 12 – Replacing “Every application for a building permit” with “Every application for a Certificate of Appropriateness” in Section 008.2 on page 16; *The Certificate of Appropriateness section has been re-written to clarify when a hearing is necessary and what procedures and standards are to be used. See pages 8-12.*
- e. Item 14 – Modify the standards for approval to clarify that all standards apply to contributing buildings and landmarks and non-contributing buildings only must comply with the design guidelines; *The application of standards for approval have been clarified. See Section 12.703(k) on pages 10-11.*
- f. To maintain the qualifications for members of the ADRB from the original establishing resolution. *The qualifications have been maintained per the ADRB’s recommendation. See Section 2.56 on page 3.*

In addition to the ADRB’s recommendations, staff has made the following modifications after reviewing the ordinance:

1. Staff has renumbered and reorganized the entire ordinance in order to accurately reflect the proposed locations within the Village Code.
2. Certificates of Appropriateness
  - a. These sections have been modified to allow for administrative COAs in specific cases (see Section 12.702(1) and 12.702(2) on page 9).
  - b. The process for receiving a COA from the ADRB is also clarified.
  - c. Staff has also inserted the requirement for a COA compliance inspection prior to the issuance of certificates of occupancy. This addition will provide another protection that the historic preservation requirements are being adhered to.
  - d. The appeals section has been simplified.
3. Certificate of Economic hardship section has been removed. This section was overly intrusive and provided no additional relief to residents that could not be provided through the appeals process. The ordinance has clear guidelines for appeals of the ADRB’s decisions. Additionally, there is a process for removing historic landmark and historic district designation.

Please review the draft ordinance and let me know if you have any questions or comments. The Village Attorney may be present to provide assistance to the Board regarding any legal issues that may arise. Feel free to either call me directly at 630.434.5520 or email me at [jobrien@downers.us](mailto:jobrien@downers.us).



# Village of Downers Grove

## UPDATED STAFF REPORT

**TO:** Architectural Design Review Board      **HEARING DATES:** February 22 & 24, 2007

**FROM:** Community Development Department      **PREPARED BY:** Jeff O'Brien, AICP  
Senior Planner

### TITLE

**Historic Preservation Ordinance;** The Village of Downers Grove is presenting a draft Historic Preservation Ordinance for review. The purpose of the draft ordinance is to provide a tool to preserve the Village's historically significant structures and sites.

### ANALYSIS

#### SUBMITTALS

This report is based on the following documents, which are on file with the Department of Community Development:

1. Downers Grove Municipal Code
2. Draft Historic Preservation Ordinance

#### DESCRIPTION

A draft Historic Preservation Ordinance was prepared by the Village in 2005. This ordinance is meant to preserve the Village's historically significant buildings and sites. If adopted, the ordinance will provide a tool for the Village to preserve its historic resources. Currently, there is no way for residents to preserve historically significant structures.

The ADRB originally discussed the draft ordinance in 2006 and forwarded a recommendation to the Village Council in June 2006. The Board recommended the Village Council move forward with the draft ordinance. The ADRB also recommended the Village receive more public input regarding the ordinance's specific requirements prior to adopting any regulations. The Council reviewed the recommendation in December 2006 and directed the ADRB to hold public hearings and forward a recommendation regarding the draft ordinance within 90 days.

Staff has prepared a report summarizing the provisions of the draft ordinance. Additionally, staff has provided a summary of the ADRB's comments from the February 13, 2007 meeting.

The ordinance has five major components:

1. Designation of a Historic Preservation Commission
2. Designation of Historic Landmarks
3. Designation of Historic Districts
4. Issuance of Certificates of Appropriateness

## 5. Certificates of Economic Hardship

### **PROPOSED HISTORIC PRESERVATION REGULATIONS**

#### *Designation of a Historic Preservation Commission (Section xx.005 – pages 5-8)*

The current draft of the ordinance contemplates that the Architectural Design Review Board would become the Historic Preservation Commission. The ordinance describes the qualifications, terms and composition of the Historic Preservation Commission, HPC. It then goes on to describe the staffing and meetings of the commission. Many of these details are consistent with the current make-up and procedures governing the Architectural Design Review Board. However, some minor adjustments may need to be made to the draft ordinance.

If the ordinance is adopted, this section would likely go into Chapter 2, Article IV of the Municipal Code. This is the section of the code that describes each Village Board and Commission. The administrative provisions of this section (i.e.; terms, appointments, etc.) would likely mirror the existing Village policies so some minor changes may be made to ensure consistency.

The most important part of this section is the list of powers and duties of the HPC. The powers and duties would also be placed in Chapter 2 of the Municipal Code, but would not be altered from their current state. These duties include maintaining a list of historically and architecturally significant sites and structures as well as making recommendations to the Council regarding adopting ordinances designating historic landmarks and historic districts. Most of these duties are carried out through the course of routine meetings and public hearings regarding applications for historic landmark or district status.

#### *Designation of Historic Landmarks (Section xx.006 – pages 8 – 12)*

This section of the ordinance describes the process a property goes through to become a Historic Landmark. First, a property must be nominated by either a member of the HPC, the owner(s) of record of a property, the Village Council or an interested individual/organization (i.e.; the Historical Society). This nomination, along with all of the supporting documentation (e.g.; site plan, information regarding the historical nature of the property, photographs, etc.) is submitted to the Community Development Department. One of the items that is required to be submitted is proof that the property owner has been notified and/or consented to the nomination.

After the proper application materials are filed, the HPC makes a preliminary determination regarding the nominated property. This preliminary decision must be based upon seven criteria:

1. Significant value as part of the historic, heritage or cultural characteristics of the community, county, state or country;
2. Its identification with a person or persons who significantly contributed to the development of the community, county, state or country;
3. Representative of the distinguishing characteristics of architecture inherently valuable for the study of a period, type, method of construction or use of indigenous materials;
4. Notable work of a master builder, designer, architect or artist whose individual work has influenced the development of the community, county, state or country;
5. Its unique location or singular physical characteristics that make it an established or familiar visual feature;
6. Its character as a particularly fine or unique example of a utilitarian structure, including but not limited to farmhouses, gas stations, or other commercial structures, with a high level of integrity or architectural significance;
7. Area that has yielded or may be likely to yield, information important in history or prehistory.

These criteria are standard language used by many communities to determine the historic status of properties throughout the United States. A property can only be determined “historic” if it meets one or more of the above criteria. The HPC must notify the property owner(s) of their decision. Please note staff would handle

the notice procedures. An “owner designation form” is sent with the notice. If any owner(s) fails to sign this form, the process terminates, and the property cannot be nominated for two years after the rejection unless brought forward by the owner(s).

If all of the owners sign the “owner designation form”, the HPC holds a public hearing to further review and evaluate the proposal. If the HPC approves the designation via a resolution, the decision is sent to the Village Council for final approval. The Council must approve the designation with a simple majority vote. A final notice of the approval is sent to the owner(s) of record and must be recorded with the DuPage County Recorder of Deeds.

Once a property is designated as a Historic Landmark, a Certificate of Appropriateness must be issued by the HPC for any alteration, construction, removal or demolition on the property. This process is discussed below. If an owner wishes to remove and/or alter the designation from their property, the same process can be used.

*Designation of Historic Districts (Section xx.007 – pages 12-16)*

Designating Historic Districts uses the same process that is used for designating historic landmarks. The major differences are that the nominating petition must be signed by the owner(s) of record of 51% or more of the properties proposed to be included in the district. Also, the following standards are used to approve or deny a nomination for a Historic District:

1. The proposed Historic District contains one or more landmarks along with such other buildings, places or areas within its definable geographic boundaries which, while not of such historic significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located in such District;
2. A significant concentration of structures meeting any of the criteria for Landmark designation under subsection 3 of Section xx.006;
3. Establishing a sense of time and place unique to the Village of Downers Grove, and/or;
4. Exemplifying or reflecting the cultural, social, economic, political or architectural history of the nation, the state, or the community.
5. An area nominated for designation as a Historic District shall be identifiable by clear and distinct boundaries.

The preliminary decision and public hearing process for designating historic districts is otherwise identical to that used for designating historic landmarks. Once a district is designated, any construction, alteration, relocation and/or demolition within the district is subject to a certificate of appropriateness.

*Certificates of Appropriateness (Section xx.008 – pages 16-21)*

As noted above, Certificates of Appropriateness (COA) are required for most alterations and/or construction to Historic Landmarks and/or within Historic Districts. Specifically, the draft ordinance requires a Certificate of Appropriateness for the following work:

1. Major changes by addition, alteration, maintenance, reconstruction, rehabilitation, renovation or repair;
2. Any new construction and demolition in whole or in part;
3. Moving a building;
4. Any construction, alteration, demolition or removal affecting a significant exterior architectural feature as specified in the ordinance designating the landmark or historic district.

The ordinance makes an exception to this requirement if the applicant provides evidence to the HPC that there is “an imminent threat to life, health, or property” if a permit is not issued to complete the necessary work.

In order to apply for a COA, the petitioner must provide the Commission with plans for the proposed work along with the basic application materials (e.g., fees, photographs, application, etc.). The HPC then reviews

the petition using the standards and design guidelines listed below:

*Standards for approval of a COA:*

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site environment;
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided;
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken;
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved;
5. Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure or site shall be treated with sensitivity;
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence;
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of the structures, if appropriate, shall be undertaken using the gentlest means possible;
8. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken;
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment;
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

*Design guidelines:*

1. Height - the height of any proposed alteration or construction should be compatible with the style and character of the landmark and with surrounding structures in a historic district;
2. Proportions of windows and doors - The proportions and relationships between doors and windows should be compatible with the architectural style and character of the landmark;
3. Relationship of Building Masses and Spaces - The relationship of a structure within a historic district to the open space between it and adjoining structures should be compatible;
4. Roof Shape - The design of the roof, fascia and cornice should be compatible with the architectural style and character of the landmark;
5. Landscaping - Landscaping should be compatible with the architectural character and appearance of the landmark;
6. Scale - The scale of the structure after alteration, construction, or partial demolition should be compatible with its architectural style and character and with surrounding structures in a historic district;
7. Directional Expression - Facades in historic districts should blend with other structures with regard to directional expression. Structures in a historic district should be compatible with the dominant horizontal or vertical expression of surrounding structures;
8. The direction expression of a landmark after alteration, construction or partial demolition should be compatible with its original architectural style and character;
9. Architectural Details - Architectural details including types of materials, colors and textures should be treated so as to make the landmark compatible with its original architectural style and character of a landmark or historic district;

10. New structures in a Historic District shall be compatible with the architectural styles and design in said districts.

The standards for approval were developed by the United States Secretary of the Interior and are almost universally used across the country for historic preservation. The design guidelines are meant to provide some guidance to property owners and developers.

The HPC reviews an application for a COA at a public meeting. Please note this is not a public hearing although a notice is published in the newspaper. The Commission may approve, approve with modifications or deny the application. If the COA is approved by the Commission, the applicant has one year to apply for a building permit to complete the work. If the COA is denied by the Commission, the applicant may re-apply with modifications or may appeal the decision to the Village Council.

#### Certificates of Economic Hardship (Section xx.009 – pages 21-23)

The draft ordinance contains a section regarding Certificates of Economic Hardship. This type of regulation is utilized in most historic preservation ordinances and provides a relief mechanism to those unable to afford the expenses of obtaining a COA. The draft ordinance requires that an application for the proposed work is denied prior to the issuance of a certificate of economic hardship. In most cases, the word “work” means demolition of a historic landmark.

A great deal of information regarding the value of the land and improvements must be provided to the HPC in order to apply for a Certificate of Economic Hardship. If the Commission determines the property cannot yield a reasonable rate of return, the application for the certificate is delayed for a period of time not to exceed three months. The Commission must find an alternative and make a recommendation for correcting the situation to the Village Council. The recommendations may include the following:

1. A relaxation of the provisions of the ordinance; and/or
2. A reduction in real property taxes; and/or
3. Financial assistance; and/or
4. Building Code modifications; and/or
5. Changes in zoning regulations.

If the HPC determines that the property cannot yield a reasonable economic return without the proposed work, the Certificate of Economic Hardship is issued.

#### Benefits of Proposed Regulations

As mentioned above, a Historic Preservation Ordinance would provide the Village’s citizens a tool to preserve historically and architecturally significant properties. The ordinance would also provide a means to help keep residential re-development in scale with the existing neighborhoods’ characteristics in designated historic districts.

The draft ordinance also has a strong owner-consent program. That is, historic designation cannot take place without an owner’s or majority of owners’ (in the case of Historic Districts) consent to the designation. Therefore, there has to be a rather strong desire to protect the property and/or neighborhood.

#### Issues Not Addressed

The proposed regulations may be seen as intrusion on property owners’ rights to maintain and improve their properties as it does restrict what can and cannot be done to a Historic Landmark. Also, the guidelines and criteria set forth in the ordinance can be very subjective and open to interpretation. Therefore, it is imperative that the Village is consistent in its enforcement and administration of the ordinance.

#### ADRB’s February 13, 2007 Comments

The ADRB discussed the draft ordinance’s provisions at their February 13, 2007 meeting. The Board

discussed several changes to the ordinance. Those changes are not reflected in the attached draft; however, staff anticipates including the changes in the version of the ordinance the Council reviews if so directed by the ADRB. The modifications are as follows:

1. Require owner consent form to be submitted as part of the original application for both Historic Landmarks and Historic Districts. This change would streamline the process and strengthen the voluntary nature of the draft ordinance.
2. Require *all* owners of record to sign the consent form prior to ADRB review for Historic Landmarks. Currently, only one owner of record is required to move the application forward. This change would also strengthen the voluntary nature of the process.
3. Require *all* owners of record for 51% of the properties in a proposed Historic District to sign the consent form prior to ADRB review.
4. Require *all* owners to sign a Certification of Acknowledgement regarding the requirements of the Historic Preservation Ordinance and submit the document with the original application. This action would allow the owners to have all of the information regarding the restrictions that will be placed on their property if the requested Landmark or District nomination is approved.
5. Allow owners to protect significant interior architectural features in addition to exterior features. The Board believes that some interior features, especially in public and/or commercial buildings, may be just as important as the exterior of the buildings. The ADRB would like to provide residents with the option to protect both the interior and exterior of Historic Landmarks.
6. Allow/require owners to provide photographs of the proposed structure(s) instead of requiring elevation drawings. The photographs should be attached to all approval notifications in order to maintain a record of the structure's condition at the time of designation. Photographs are less expensive and easier to obtain than elevation drawings and may encourage more owners to apply for designation.
7. Do not allow Village Council and ADRB members to nominate Historic Landmarks or Historic Districts, unless the properties in question are owned by those individuals. The ADRB believes there might be possibilities for conflicts of interest that would hinder the review process.
8. Strengthen the enforcement provisions by revoking permits in addition to fines for persons who violate the provisions of the Historic Preservation Ordinance.
9. The ADRB noted several technical and typographical errors that should be corrected prior to Village Council review.

## **RECOMMENDATIONS**

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Based on the analysis above, staff believes the Architectural Design Review Board should discuss the draft historic preservation ordinance. The Board should receive comments from the public and discuss any modifications to the draft ordinance and forward a recommendation to the Village Council.

Staff recommends the ADRB direct staff to make the following modifications, based on the February 13 comments, to the draft Historic Preservation Ordinance prior to Village Council review should the Board forward a positive recommendation:

1. An Owner Consent Form shall be signed by all owners of record and submitted at the time of application for Historic Landmark designation.
2. An Owner Consent Form shall be signed by all owners of record of 51% of the properties and submitted at the time of application for Historic District designation.
3. A Certification of Acknowledgement of Historic Preservation Ordinance Requirements shall be signed by all owners of record and submitted at the time of application for Historic Landmark and/or Historic District designation.
4. Photographs of all elevations for all buildings shall be included in an application for Historic Landmark or Historic District designation. Elevation drawings shall be optional at the discretion of the Director and/or the Architectural Design Review Board.

5. Persons eligible for nomination of Historic Landmarks and/or Historic Districts shall not include members of the Village Council or the Architectural Design Review Board, unless such individual owns the property(ies) in question.
6. Section xx.005 – Creation of Downers Grove Historic Preservation Commission shall be relocated to Chapter 2, Article IV of the Municipal Code.
7. Correction of technical and typographical errors.

Staff Report Approved By:

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Don Schiedler  
Acting Community Development Director  
DS:jwo  
-att

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VILLAGE OF DOWNERS GROVE  
ARCHITECTURAL DESIGN REVIEW BOARD  
MEETING, FEBRUARY 13, 2007, 9:00 A.M.

Chairman Davenport called the February 13, 2007 meeting of the Architectural Design Review Board to order at 9:25 a.m. and asked for a roll call:

**PRESENT:** Chairman Davenport, Mrs. Acks, Mrs. Falco and Mr. Russ

**ABSENT:** Mrs. Dunham, Mr. Matthies and Mr. Pappalardo

**STAFF**

**PRESENT:** Enza Petrarca, Village Attorney and Jeff O'Brien, Senior Planner

**VISITORS:** Gordon Goodman, 5834 Middaugh Avenue

**APPROVAL OF MINUTES:**

Mr. Russ made a motion to approve the January 18, 2007 minutes. Mrs. Falco seconded the motion. Voice vote noted all ayes.

**OLD BUSINESS:**

Mr. O'Brien reminded the Board members of the upcoming public hearings for the historic preservation ordinance on February 22 and 24, 2007. He stated notification had been published in the *Downers Grove Reporter*. He stated a story also appeared in the paper about the meetings.

Chairman Davenport requested the notice be posted on Channel 6 as well as the Historical Society and Village Council announcements.

Chairman Davenport stated the Board would be discussing potential changes to the draft ordinance at today's meeting. He asked Mr. O'Brien to provide an overview of the designation and Certificate of Appropriateness process.

Mr. O'Brien provided a description of the processes as set forth by the draft ordinance.

Chairman Davenport asked if the appeals process for the COAs was necessary.

Mr. O'Brien stated every historic preservation ordinance he reviewed contained an appeals process. He noted it adds another level of administrative review prior to an applicant entering into the court system.

Mr. Russ stated he thought the owner consent should be required prior to any Board and/or staff review of a proposed nomination. He also stated the Village should require all owners of record to sign the owner consent forms much like the annexation petitions. Mr. Russ stated it would be important to have proof of ownership and owner consent prior to processing an application.

Mr. Russ asked what Village staff would be involved in reviewing applications for district and landmark designation.

## APPROVED 05/31/07

Mr. O'Brien stated Community Development staff would be performing most of the reviews, but other staff would assist as needed, much like with ZBA and Plan Commission applications.

Ms. Petrarca asked Mr. Russ if he was requesting to modify the language for historic district designation to require all owners of 51% of the properties to sign the consent forms.

Mr. Russ said he would like to make sure all owners of record have consented to any designation – either landmark or district - prior to accepting applications.

Mr. Russ said he thought it would also be important for applicants to receive the regulations prior to applying for designation. He recommended the Village require a Certificate of Acknowledgement of the historic preservation regulations with the application materials for both districts and landmarks.

Mrs. Falco asked if the process to remove historic designation was necessary.

Chairman Davenport stated it was necessary to have a process to remove historic designation in case the historic building or site was destroyed.

Mrs. Acks stated she had several grammar and typographical changes that she would provide to staff. She stated the definitions for "applicant" and "Certificate of Economic Hardship" should be added to the ordinance. She asked what work would be covered under the definition of "repair".

Mr. O'Brien stated it would be helpful if the ADRB adopted some policies and procedures to help staff make determinations on what sort of actions would be allowed without Board approval. He noted some "repairs" – such as window and siding replacement - that can be seen as harmful to historic buildings do not require permits and might never be reviewed by the Village.

Mrs. Acks stated there should be guidelines for attendance in the ordinance.

Ms. Petrarca stated there are other requirements in the Municipal Code regarding attendance, and the Village Council reviews attendance for the Boards and Commissions and can ask members to resign if they are not attending meetings. She stated Section xx.005 of the draft ordinance would most likely be placed into Chapter 2 of the Municipal Code and would be modified to conform to Village Council policies for Boards and Commissions.

Chairman Davenport asked Ms. Petrarca what the new section would look like.

Ms. Petrarca responded that the language of the section would look the same, but would be in another part of the Code. She stated there might be some small changes for consistency's sake, but the main portion of the section outlining the powers and duties would remain the same.

Mrs. Acks stated she thought ADRB and Village Council members should not be eligible for nominating structures and districts because it might create conflicts of interest.

Ms. Petrarca stated that modification could be made to the ordinance.

Mrs. Acks asked if it was appropriate to allow the director to waive submittal requirements.

Chairman Davenport stated it was practical to allow staff some discretion.

Mr. O'Brien provided some examples where staff would require more information or reduce the submittal requirements. He noted the director has the same ability for zoning petitions.

Chairman Davenport stated he thought it was more appropriate to allow photos rather than require line drawings. He stated requiring line drawings could be cost prohibitive and may discourage people from designating their properties.

Mrs. Acks stated line drawings would be a good way of documenting the appearance and historic features of buildings.

Mrs. Falco asked if the ordinance allowed for preservation of interior features as well as exterior features.

Mr. O'Brien said it did not. He noted most ordinances focus on exterior features except in the case of extraordinary examples of historic and/or architecturally significant buildings.

The Board discussed the merits of allowing preservation of interior and exterior features. They noted preserving interior features of commercial and public buildings would be important. The Board stated preserving interior features would be voluntary and only at applicants' request.

Mrs. Acks asked if enforcement measures could be added to the ordinance. Specifically, she stated the Village should look at revoking permits if an individual performed work to a historic building without Board approval.

There was a discussion regarding enforcement measures that could be used. Additionally, staff provided information regarding the Village's current enforcement tools.

The Board discussed the proposed changes to the ordinance. Mr. O'Brien read the changes back to the Board. The Board reached consensus on the following items:

1. Require owner consent form to be submitted as part of the original application for both Historic Landmarks and Historic Districts. This change would streamline the process and strengthen the voluntary nature of the draft ordinance.
2. Require *all* owners of record to sign the consent form prior to ADRB review for Historic Landmarks. Currently, only one owner of record is required to move the application forward. This change would also strengthen the voluntary nature of the process.
3. Require *all* owners of record for 51% of the properties in a proposed Historic District to sign the consent form prior to ADRB review.
4. Require *all* owners to sign a Certification of Acknowledgement regarding the requirements of the Historic Preservation Ordinance and submit the document with the original application. This action would allow the owners to have all of the information regarding the restrictions that will be placed on their property if the requested Landmark or District nomination is approved.
5. Allow owners to protect significant interior architectural features in addition to exterior features. The Board believes that some interior features, especially in public and/or commercial buildings, may be just as important as the exterior of the buildings. The ADRB

would like to provide residents with the option to protect both the interior and exterior of Historic Landmarks.

6. Allow/require owners to provide photographs of the proposed structure(s) instead of requiring elevation drawings. The photographs should be attached to all approval notifications in order to maintain a record of the structure's condition at the time of designation. Photographs are less expensive and easier to obtain than elevation drawings and may encourage more owners to apply for designation.
7. Do not allow Village Council and ADRB members to nominate Historic Landmarks or Historic Districts, unless the properties in question are owned by those individuals. The ADRB believes there might be possibilities for conflicts of interest that would hinder the review process.
8. Strengthen the enforcement provisions by revoking permits in addition to fines for persons who violate the provisions of the Historic Preservation Ordinance.
9. The ADRB noted several technical and typographical errors that should be corrected prior to Village Council review.

Staff indicated they would provide a summary of these modifications to the ADRB and public prior to the public hearings. The draft ordinance would not be modified until a recommendation is made to the Village Council.

Chairman Davenport asked for public comments.

### **PUBLIC COMMENTS**

Gordon Goodman, 5834 Middaugh Avenue, stated he thought people should be allowed to protect the interior of their home as well as the exterior. He asked if a new draft would be prepared prior to the public hearings. He stated he thought the public should be able to review the actual language prior to the hearings and the Board may have to push them back in order to allow for comment on the changes. Dr. Goodman asked if Ken Lerner's points had been included in the draft the Board had reviewed.

Chairman Davenport explained a new draft would not be produced until after the public hearings. He noted comments from the public could be incorporated at that time.

Mr. O'Brien indicated the Board would make a recommendation to the Village Council and a new draft would be produced to account for those recommendations. He noted the process would mirror that of the Plan Commission as far as ordinance production is concerned.

Chairman Davenport asked for additional comments. There being none, he asked for a motion to adjourn.

**MR. RUSS MOVED TO ADJOURN THE MEETING. MRS. ACKS SECONDED THE MOTION. THE MEETING WAS ADJOURNED AT 10:55 A.M.**

/s/ Jeff O'Brien  
Jeff O'Brien, AICP  
Senior Planner

VILLAGE OF DOWNERS GROVE  
ARCHITECTURAL DESIGN REVIEW BOARD  
MEETING, FEBRUARY 22, 2007, 7:00 P.M.

Chairman Davenport called the February 22, 2007 meeting of the Architectural Design Review Board to order at 7:00 p.m. and asked for a roll call:

**PRESENT:** Chairman Davenport, Mrs. Acks, Mrs. Dunham, Mrs. Falco, Mr. Matthies, Mr. Pappalardo and Mr. Russ

**ABSENT:** None

**STAFF**

**PRESENT:** Jeff O'Brien, Senior Planner

**VISITORS:** Commissioner Urban; John Kikta, 5718 Grand Avenue; Joan Read, 5426 Brookbank Road, Ken Lerner, 4933 Whiffen Place; John Schofield, 1125 Jefferson Avenue; Mark Thoman, 1109 61<sup>st</sup> Street; Carol Koutnik, 5400 Park Street; Paul Koutnik, 5400 Park Street; Chris Lavoie, 1928 Wellington Place; Alison Swade, *Downers Grove Reporter*.

Chairman Davenport announced there was a quorum for the meeting.

**APPROVAL OF MINUTES:**

Chairman Davenport announced there were no minutes to approve.

**HISTORIC PRESERVATION ORDINANCE – PUBLIC HEARING**

Chairman Davenport stated the purpose of the meeting was to hold a public hearing for draft historic preservation regulations. He explained packets could be found on either side of the Chamber.

Chairman Davenport called the public hearing for the Historic Preservation Ordinance to order. He explained the procedures for the hearing.

Chairman Davenport swore in all individuals wishing to speak.

Mr. O'Brien presented the staff report. He explained the draft ordinance is based on the Model Illinois Historic Preservation Ordinance. He stated the Illinois Landmark Preservation Council is the entity that originally authored the model ordinance. He noted Village staff and Commissioner Tully made revisions to the model ordinance in order to reflect the unique processes and requirements in Downers Grove. Mr. O'Brien stated the major concepts and requirements of the presented document were consistent with the model ordinance.

Mr. O'Brien discussed the components of the draft ordinance. He noted the designation of a Historic Preservation Commission currently contemplates the ADRB would become the administering body for the ordinance. He also stated this portion would most likely be relocated to Chapter 2 of the Municipal Code. He indicated Chapter 2 is where the rules and duties for the other

Boards and Commissions are located. Mr. O'Brien noted there may be further technical changes to this section, but the powers and duties of the Historic Preservation Commission would remain as is.

Mr. O'Brien discussed the process for designation of Historic Landmarks and Historic Districts. He noted that both sections require owner consent prior to approval of the nominations. He stated 51% of owners in a proposed Historic District must sign the owner consent forms. He explained what the ordinance defines as a historic building and/or site. Mr. O'Brien explained requests for historic designation would be reviewed by the Historic Preservation Commission at a public hearing and approved or denied by the Village Council after the Commission issued a recommendation.

Mr. O'Brien explained after a property or district was designated, any modifications to the structure or structures would require a Certificate of Appropriateness (COA). He stated COAs are reviewed and approved by the Historic Preservation Commission at a public meeting prior to the issuance of any building permits. He explained what type of work would require review by the Commission. Mr. O'Brien noted some work could receive administrative approval, but any major building renovations, additions and teardowns would require a COA through the public meeting process. He stated the standards for approval were developed by the US Department of the Interior and were widely used in historic preservation ordinances. He noted these standards along with the design guidelines contained in the ordinance would provide the Commission with guidance for approval of COAs.

Mr. O'Brien discussed the Certificate of Economic Hardship program. He indicated the program was meant to relax the regulations when the cost of meeting the ordinance became a financial burden. He discussed options for relief and noted that the requirements to prove an economic hardship are rigorous and include providing the Village with detailed financial information.

Mr. O'Brien explained the modifications the ADRB discussed at the February 13 meeting. Those changes were:

1. Require owner consent form to be submitted as part of the original application for both Historic Landmarks and Historic Districts. This change would streamline the process and strengthen the voluntary nature of the draft ordinance.
2. Require *all* owners of record to sign the consent form prior to ADRB review for Historic Landmarks. Currently, only one owner of record is required to move the application forward. This change would also strengthen the voluntary nature of the process.
3. Require *all* owners of record for 51% of the properties in a proposed Historic District to sign the consent form prior to ADRB review.
4. Require *all* owners to sign a Certification of Acknowledgement regarding the requirements of the Historic Preservation Ordinance and submit the document with the original application. This action would allow the owners to have all of the information regarding the restrictions that will be placed on their property if the requested Landmark or District nomination is approved.
5. Allow owners to protect significant interior architectural features in addition to exterior features. The Board believes that some interior features, especially in public and/or commercial buildings, may be just as important as the exterior of the buildings. The ADRB would like to provide residents with the option to protect both the interior and exterior of Historic Landmarks.
6. Allow/require owners to provide photographs of the proposed structure(s) instead of requiring elevation drawings. The photographs should be attached to all approval

notifications in order to maintain a record of the structure's condition at the time of designation. Photographs are less expensive and easier to obtain than elevation drawings and may encourage more owners to apply for designation.

7. Do not allow Village Council and ADRB members to nominate Historic Landmarks or Historic Districts, unless the properties in question are owned by those individuals. The ADRB believes there might be possibilities for conflicts of interest that would hinder the review process.
8. Strengthen the enforcement provisions by revoking permits in addition to fines for persons who violate the provisions of the Historic Preservation Ordinance.
9. The ADRB noted several technical and typographical errors that should be corrected prior to Village Council review.

He stated the staff is recommending including the following modifications to the ordinance based on those discussions:

1. An Owner Consent Form shall be signed by all owners of record and submitted at the time of application for Historic Landmark designation.
2. An Owner Consent Form shall be signed by all owners of record of 51% of the properties and submitted at the time of application for Historic District designation.
3. A Certification of Acknowledgement of Historic Preservation Ordinance Requirements shall be signed by all owners of record and submitted at the time of application for Historic Landmark and/or Historic District designation.
4. Photographs of all elevations for all buildings shall be included in an application for Historic Landmark or Historic District designation. Elevation drawings shall be optional at the discretion of the Director and/or the Architectural Design Review Board.
5. Persons eligible for nomination of Historic Landmarks and/or Historic Districts shall not include members of the Village Council or the Architectural Design Review Board, unless such individual owns the property(ies) in question.
6. Section xx.005 – Creation of Downers Grove Historic Preservation Commission shall be relocated to Chapter 2, Article IV of the Municipal Code.
7. Correction of technical and typographical errors.

Mr. O'Brien stated staff was recommending the ADRB receive public comment, deliberate on the staff recommended modifications as well as the ADRB's and forward a positive recommendation to the Village Council. He noted he would be open to any question regarding the draft ordinance and its provisions.

Chairman Davenport asked Mr. O'Brien to explain what would happen if the ordinance was adopted.

Mr. O'Brien answered that staff would request a period of 60-90 days before the ordinance became effective. He stated this time was necessary in order to develop the proper documents, applications and policies prior to receiving any nominations. He said he thought the ADRB should be involved in this process.

Mr. Pappalardo asked if staff anticipated needing more than a couple of months to be ready to administer the ordinance.

Mr. O'Brien said 60-90 days should be an appropriate amount of time.

Chairman Davenport asked Mr. O'Brien to explain why staff did not include the ADRB's recommendations for additional enforcement regulations.

Mr. O'Brien indicated staff did not object to additional enforcement options, but wanted to get some more specific recommendations from the ADRB on what methods would be appropriate.

Chairman Davenport asked if staff was opposed to allowing preservation of interior elements.

Mr. O'Brien responded most ordinances focus on exterior elements and staff was concerned regulating interior elements may be beyond the scope of the ordinance.

Chairman Davenport opened the floor up for public comments.

### **PUBLIC COMMENTS**

John Schofield, 1125 Jefferson Ave, stated he was in support of the ordinance and applauded the ADRB for their efforts. He stated staff's presentation and the discussion regarding the ordinance had focused on mainly on protecting private property rights and receiving owner consent. Mr. Schofield said the Village should spend more time discussing the benefits of the proposed regulations. He noted that he did not have a lot of expertise in the benefits, but he was sure there were financial benefits, such as tax breaks, and protection of neighborhood character that would attract property owners to nominate their properties.

Ken Lerner, 4933 Whiffen Pl, stated he was representing the Downers Grove Coalition for Managed Redevelopment. He stated he was in support of the ordinance. He noted several surrounding communities already have historic preservation in place and he was happy to see Downers Grove may be joining them. Mr. Lerner said Downers Grove has many historic buildings – residential, commercial and institutional. He noted several structures had been lost, but there is still a chance to preserve neighborhoods and structures like the Blodgett House. He noted residents needed tools to preserve buildings and the draft ordinance would provide a critical tool. Mr. Lerner said he had prepared suggestions which he would provide to Mr. O'Brien.

Chris Lavoie, 1928 Wellington Pl, applauded the ADRB's efforts. He stated the Village would know it had a good ordinance when it gets challenged. He asked how new buyers would know if the house is a historic landmark. Specifically, he questioned whether the designation would show up on a deed or show up in the MLS.

Ms. Falco stated the designation would not show up in the MLS.

Mr. Russ stated the designation has to be recorded with DuPage County and should show up on a title search. He noted it would be up to the new owner to find out about the regulations and for current owners to disclose.

Mr. Lavoie asked if there would be any physical notification on a property.

Mr. O'Brien stated there was no requirement for a placard on the property, but the historic landmarks and districts may be indicated on the Village's Zoning Map.



Mr. Lavoie stated there should be opportunities to find funding through grants and other sources to help provide incentives to property owners.

Chairman Davenport agreed there would need to be incentives to entice property owners to designate and rehabilitate their properties rather than tear down historic buildings. He stated there might be an opportunity for staff to revise the staff report to include some of the benefits and programs in the report prior to sending it to the Village Council for review.

Mr. Lavoie said the benefits should be enumerated and a grant program should be established as part of the historic preservation ordinance.

Mr. O'Brien explained several of the State and Federal programs that would become available to property owners. Specifically, he discussed the Illinois' property tax assessment freeze for renovating historic homes and the Certified Local Government program, which provides access to State money to fund local preservation efforts.

Mr. Russ asked what happens if a property becomes a landmark or part of a district and the property values decrease. He specifically, discussed a property in Downers Grove that has some sort of historic protection and has been on the real estate market for some time. He wanted to know if it is common for values to decrease for historic buildings.

Mr. O'Brien stated the building was probably part of the State or Federal Historic Preservation Easement program. He said easements are usually more severe and restrictive than local designation. He noted most historic preservation easements are reserved for exemplary structures and important buildings designed by master architects. Mr. O'Brien stated historic preservation easements usually do not permit changes, other than repair, to the buildings they affect. He noted there is more flexibility in local programs and the ordinance allows for someone to remove the historic designation from their property.

Chairman Davenport stated most property values go up in historic districts.

Mr. Lavoie stated detail makes a good ordinance. Specifically, he noted the definition for repair was too broad and these types of gray areas would become a problem in the futures.

Jane Amarosie, 5742 Deerborn Parkway, applauded the ADRB's effort. She stated there are many good aspects of the Village that do not fall into the category of "historic". She indicated the ordinance needed to capture the ambiance of the Village. Ms. Amarosie said the Village should make funds available to ensure preservation of its character. She asked how the ordinance defined a historic building.

Chairman Davenport stated the criteria for determining if a building was eligible for historic status was listed in the ordinance. He directed Ms. Amarosie to the section of the ordinance and staff report containing the criteria.

Ms. Amarosie said the ordinance does not seem to preserve the modest homes and those homes are important to the Village's character. She stated the Village should allow for modest homes to be preserved.

Chairman Davenport said the ADRB was reviewing the ordinance as directed by the Village Council. He noted the Board originally wanted to look at other items such as neighborhood conservation districts, but was directed to focus on the draft historic preservation regulations at this time. He stated the ADRB would hopefully get a chance to address these issues in the future.

Bill Wrobel, 7800 Queens Ct, stated the brick streets would be a great area for use of the historic preservation regulations. He noted the regulations were long over-due. He said the Village should sponsor signage to identify historic areas. He asked about the current historical markers that exist throughout the Village.

Ms. Dunham indicated there were signs in the Prince Pond area, along Main Street and in the E.H. Prince Subdivision. She stated the signs were erected by the Historical Society.

Mr. Wrobel stated the Village should try to create a network of property owners who own historic properties.

Paul Koutnik, 5400 Park St, stated the 51% rule for historic districts is a bare majority and could be coercive for some property owners. He suggested giving scores to homes based on their historical significance and modify the COA provisions to account for modern homes in historic neighborhoods.

Chairman Davenport asked Mr. O'Brien if this score is similar to the contributing/non-contributing status given to structures in historic districts.

Mr. O'Brien said yes and noted generally stricter regulations and preservation standards are reserved for historic landmarks and contributing structures. Specifically, commissions often look to preserve original building materials and architectural styles. He stated review of non-contributing structures is usually reserved for ensure the scale of the new buildings and additions is consistent with the surrounding historic buildings.

Chairman Davenport asked for further public comment. Being none, the Chairman closed the public comment portion of this evening's hearing.

Chairman Davenport asked for comments from the ADRB.

Mr. Russ said it is imperative to protect property owners' rights and the Village must be careful to do so. He confirmed with Mr. O'Brien that the 51% rule for historic districts did not guarantee approval of the district nomination. He also asked Mr. O'Brien if owners in historic districts could still designate their property as a historic landmark.

Mr. O'Brien noted getting a sign off from 51% of owners does not guarantee designation and owners could still make their properties landmarks once in a district.

Chairman Davenport indicated many people buy into historic areas because they like historic homes and neighborhoods. He stated there are benefits to being in a district and staff should provide some examples when the ordinance goes to the Village Council.

Mr. Matthies asked if the brick streets could be preserved. He indicated the brick streets were an important asset to the community and asked if they could be made historic landmarks.

Mr. O'Brien stated they could become historic landmarks and subjected to the COA regulations. He noted homes are not the only things that get protected by historic districts. He noted often unique features such as Prince Pond and brick streets could be identified as important elements contributing to the historical significance of a designated district.

Mr. Matthies stated that he agreed with Mr. Lavoie and would want to see some of the definitions like repairs to be made more specific. He noted he would be hesitant to restrict someone from making emergency repairs – such as roof repairs – due to the COA process.

Mr. O'Brien stated those issues should be defined in a set of policies for administering the historic preservation regulations. He indicated many communities allow the staff to permit some changes to homes – such as roof repairs, new decks, patios and landscaping – to be completed without a COA hearing. He stated the ADRB will need to discuss what sort of modifications they would like to see and what modifications can be approved by staff prior to making the ordinance effective. He indicated often the biggest issues are with replacing siding and windows on historic homes. Mr. O'Brien stated this policies could be discussed during the 60-90 day period.

Chairman Davenport agreed the ADRB needs to define the roles of itself and staff in order to administer the ordinance more effectively.

Chairman Davenport announced the Board would take a 5-minute recess at 8:24 pm.

Chairman Davenport reconvened the meeting at 8:29 pm.

Mr. Matthies asked what would happen to the property values of the one non-historic home in a historic district. He wanted to know if its property value would be lowered because of the additional regulations.

Mr. O'Brien stated all property values tend to rise in historic districts because there is an added level of stability.

Chairman Davenport asked if the additions to non-contributing homes would be made to conform to the design regulations.

Mr. O'Brien stated the Board would simply be looking for the addition or modifications to be compatible with the surrounding historic homes in scale and mass. He noted the regulations do not seek to put a Victorian addition on a 1960s ranch home. He stated this is where historic preservation needs to be flexible.

Chairman Davenport asked for a motion to continue the hearing to February 24.

**MOTION: MR. RUSS MADE A MOTION TO CONTINUE THE PUBLIC HEARING TO FEBRUARY 24, 2007 AT 10:00 AM IN THE VILLAGE COUNCIL CHAMBER. MR. PAPPALARDO SECONDED THE MOTION.**

**ROLL CALL VOTE: 7-0.**

**MOTION PASSES**

**MR. RUSS MOVED TO ADJOURN THE MEETING. MR. PAPPALARDO SECONDED THE MOTION. THE MEETING WAS ADJOURNED AT 8:34 P.M.**

/s/ Jeff O'Brien  
Jeff O'Brien, AICP  
Senior Planner

**VILLAGE OF DOWNERS GROVE  
ARCHITECTURAL DESIGN REVIEW BOARD  
PUBLIC HEARING**

**FEBRUARY 24, 2007, 10:00 A.M.**

Chairman Davenport called the February 24, 2007 meeting of the Architectural Design Review Board to order at 10:00 a.m. and asked for a roll call:

**PRESENT:** Mrs. Acks, Mrs. Dunham, Mrs. Falco, Mr. Mattheis, Mr. Papalardo, Mr. Russ, Chairman Davenport

**STAFF**

**PRESENT:** Jeff O'Brien, Senior Planner

**VISITORS:** Mayor Krajewski; Commissioner Sandack; Dr. Gordon Goodman, 5834 Middaugh; Mr. John Scholfield, 1125 Jefferson; Mrs. Susan Estall, 5512 Main Street; Mr. Phil Matejczyk, 1539 Chicago Avenue; Dean Pozarycki, 4728 Main Street; Heather Pance, 5129 Florence Avenue; Sue Steacey, 5133 Washington Street; Bruce Beckman, 4629 Middaugh Avenue; Geoff Neustadt, 4633 Saratoga Avenue

**REMARKS FROM THE CHAIR**

The Chairman thanked staff for getting the February 22, 2007 minutes out so quickly.

**APPROVAL OF MINUTES**

Minutes of the February 22, 2007 meeting were approved on motion by Mr. Pappalardo, seconded by Mr. Russ. Motion carried by voice vote of 7-0.

**OLD BUSINESS** - None

**NEW BUSINESS**

**A. PUBLIC HEARING - DRAFT HISTORIC PRESERVATION ORDINANCE**

Chairman Davenport stated the purpose of the public hearing was to gather public comments and information regarding the draft ordinance and to forward it to the village council for final action.

Chairman Davenport called to order the public hearing and read the protocol for the hearing, stating that minutes of this meeting will include the board's recommendation and finding of fact and be written formally and forwarded to the village council.

Chairman Davenport swore in those individuals that would be speaking. (Mrs. Falco arrives)

Mr. O'Brien summarized the draft ordinance is based on the Illinois Historic Preservation Ordinance with modifications by staff and council members. Five components make up the

ordinance: 1) Designation of a Historic Preservation Commission; 2) Designation of Historic Landmarks; 3) Designation of Historic Districts; 4) Issuance of Certificates of Appropriateness; and 5) Certificates of Economic Hardship.

Under the section entitled “Designation of a Historic Preservation Commission”, Mr. O’Brien explained that currently the draft ordinance lists the Architectural Design Review Board (“ADRB”) as being the Historic Preservation Commission. Once the ordinance is adopted, the ADRB will move from an ad hoc committee to an actual Historic Preservation Commission. Additionally, when the ordinance is adopted, this section will mostly be added into Chapter 2, Article IV of the Municipal Code. Some technical changes may follow.

Under the “Designation of Historic Landmarks”, section in the ordinance, Mr. O’Brien explained the owners of a property sign an owner’s consent form and petition the ADRB for landmark designation, followed by the ADRB holding a public hearing, followed by approval or denial by the village council. A preliminary decision was based upon seven criteria:

1. Significant value as part of the historic, heritage or cultural characteristics of the community, county, state or country;
2. Its identification with a person or persons who significantly contributed to the development of the community, county, state or country;
3. Representative of the distinguishing characteristics of architecture inherently valuable for the study of a period, type, method of construction or use of indigenous materials;
4. Notable work of a master builder, designer, architect or artist whose individual work has influenced the development of the community, county, state or country;
5. Its unique location or singular physical characteristics that make it an established or familiar visual feature;
6. Its character as a particularly fine or unique example of a utilitarian structure, including but not limited to farmhouses, gas stations, or other commercial structures, with a high level of integrity or architectural significance; and
7. Area that has yielded or may be likely to yield, information important in history or prehistory.

Once a property is designated as a Historic Landmark, a Certificate of Appropriateness must be issued by the Historic Preservation Commission for any alteration or permits are issued.

Mr. O’Brien explained the section entitled “Designating Historic Districts” is similar to the process for designating historic landmarks but is based on geographic location or groups of buildings. Before a historic district can go through the nomination process, 51% of the owners of record within that proposed district must sign the owners consent form. A recommendation is made to the ADRB, followed by a public hearing, followed by approval or denial by the Village Council. Once a district is put in place, all properties will be required to come before this Board for review and modifications within the district. Three levels of historic designation take place: 1) the historic landmark structure -- the most restrictive of the reviews; 2) the “contributing” structure -- a structure that contributes to the significance of a historic district but does not meet the landmark distinction; and 3) the non-contributing structure -- buildings that do not contribute to the significance of a district.

Under the section entitled “Certificates of Appropriateness (COA)”, Mr. O’Brien explained a COA is required for most alterations and/or construction to Historic Landmarks and/or within Historic Districts. The ADRB will review major changes by addition, alteration, maintenance, reconstruction, rehabilitation, renovation or repair, teardowns, and windows. Staff will review minor changes such as re-roofing, adding a deck or minor repairs to a structure.

The HPC will use 10 standards, based on the United States Secretary of the Interior Standards and are universally used as standards for approval of a historical COA. (See staff report.) Additionally, nine (9) design guidelines are used for approval of a COA. The design guidelines are meant to provide guidance to property owners and developers. A more thorough review of the COA process followed, noting that recommendations will be made and staff will issue a building permit based on the COA. If modifications recommended by the HPC are not satisfactory, the owner can appeal to the Village Council. If the Village Council is not satisfactory, the owner may appeal in the court system.

Under the section entitled “Certificates of Economic Hardship”, Mr. O’Brien explained that an owner could seek relief only when the owner is unable to afford the expenses of obtaining a COA. The ADRB can provide one or more of five (5) recommendations to the village council, such as 1) a relaxation of the provisions of the ordinance; 2) a reduction in real property taxes; 3) financial assistance; 4) Building Code modifications; and/or 5) changes in zoning regulations. If the HPC determines that the property cannot yield a reasonable economic return without the proposed work, the Certificate of Economic Hardship is issued.

Mr. O’Brien indicated the ordinance would provide the Village’s citizens a tool to preserve historically and architecturally significant properties. It would also provide a number of incentives to the village such as becoming eligible for the State’s Certified Local Governments program which provides access to funding to assist residents in preserving or making modifications to their homes.

Continuing, the proposed regulations may be seen as intrusive on private property rights and many of the provisions would have to be accepted by the owners of the property before placing the provision on the homeowners. In addressing the provisions, Mr. O’Brien explained the ADRB did review some of the following modifications at its February 13, 2007 meeting.

1. Require *all* owners of record to sign the consent form prior to ADRB review for Historic Landmarks. Currently, only one owner of record is required to move the application forward. This change would also strengthen the voluntary nature of the process.
2. Require *all* owners of record for 51% of the properties in a proposed Historic District to sign the consent form prior to ADRB review.
3. For historic districts will require *all* owners to sign a Certification of Acknowledgement regarding the requirements of the Historic Preservation Ordinance and submit the document with the original application. This action would allow the owners to have all of the information regarding the restrictions that will be placed on their property if the requested Landmark or District nomination is approved.
4. Allow owners to protect significant interior architectural features in addition to exterior features. The ADRB believes that some interior features, especially in public and/or commercial buildings, may be just as important as the exterior of the buildings.
5. Allow/require owners to provide photographs of the proposed structure(s) instead of requiring elevation drawings, which is less costly for owners. Photographs are less

expensive and easier to obtain than elevation drawings and may encourage more owners to apply for designation.

6. Do not allow Village Council and ADRB members to nominate Historic Landmarks or Historic Districts, unless the properties in question are owned by those individuals. Conflicts of interest that would hinder the review process could exist.
7. Strengthen the enforcement provisions of the ordinance by revoking permits in addition to fines for persons who violate the provisions of the Historic Preservation Ordinance.
8. The ADRB noted several technical and typographical errors that should be corrected prior to Village Council review.

Based on staff's discussions with the ADRB and public comment, staff has recommended that the ADRB take further public comment and make any further modifications to the ordinance, if necessary, before forwarding a recommendation to the Village Council. Should the ADRB recommend approval, Mr. O'Brien recommended that the ADRB direct staff to make the following seven (7) modifications, based on the February 13<sup>th</sup> comments, to the draft Historic Preservation Ordinance:

1. An Owner Consent Form shall be signed by all owners of record and submitted at the time of application for Historic Landmark designation.
2. An Owner Consent Form shall be signed by all owners of record of 51% of the properties and submitted at the time of application for Historic District designation.
3. A Certification of Acknowledgement of Historic Preservation Ordinance Requirements shall be signed by all owners of record and submitted at the time of application for Historic Landmark and/or Historic District designation.
4. Photographs of all elevations for all buildings shall be included in an application for Historic Landmark or Historic District designation. Elevation drawings shall be optional at the discretion of the Director and/or the Architectural Design Review Board.
5. Persons eligible for nomination of Historic Landmarks and/or Historic Districts shall not include members of the Village Council or the Architectural Design Review Board, unless such individual owns the property(ies) in question.
6. Section xx.005 – Creation of Downers Grove Historic Preservation Commission shall be relocated to Chapter 2, Article IV of the Municipal Code.
7. Correction of technical and typographical errors.

However, Mr. O'Brien stated that staff did not include the preservation of the interior elements. In addition to strengthening of the enforcement provisions, staff was open to strengthening them but wanted more direction as to what staff should look at specifically.

Chairman Davenport opened up the meeting to questions from the Board members. No questions followed.

Chairman Davenport opened up the meeting to public comment.

Dr. Gordon Goodman, 5834 Middaugh, Downers Grove, reviewed the movement of the ordinance recommendation through the Village's process since January 2006. To date, he believed it was appropriate that a detailed ordinance be forwarded to the Village Council for adoption, since the Village Council set the stage for it through its Strategic Plan. He commended staff for its diligent work. In addition, Dr. Goodman acknowledged that the village would go through a transitional



period similar to other cities, citing the City of Geneva as an example of its central business district. He hoped the Village of Downers Grove would follow suit. He further stressed the importance of having an ordinance that could be implemented with “teeth” in the beginning. He recommended that a review of the ordinance and its application take place after a certain period of time. Dr. Goodman also recommended that the Commission consider a review of COA for certain interior as well as exterior elements. He agreed that building permits from the Village might be in jeopardy if there was non-compliance with a COA and/or the historic ordinance.

As to determining those structures to be landmarked, Mr. Goodman was pleased that staff, the ADRB, and the Village could create a list of potential structures. He believed a procedure could be added to the ordinance to receive nomination suggestions from other organizations or individuals in the Village. He supported revising the list of potential significant structures annually through a formal mechanism. He recalled that the Village’s Historical Society already makes recommendation to the Village Council by ordinance.

Lastly, he discussed the importance of having a survey of architectural features in the Village and that the Village seek grants for a survey of historical architectural features. Dr. Goodman discussed how he obtained information about the Historical Society, which has the authority to recommend to the village certain properties to be designated as historically significant.

Mrs. Dunham, as a member of the Historical Society, discussed she was only aware of two preservation programs offered to residents by the society: 1) the Centennial Homes program, and 2) the 10 designated historic sites in the Village by the Historical Society itself and not the village.

As to lost historical structures, Dr. Goodman mentioned the loss of 806 Maple (the Austin home) was a significant loss.

As to the enforcement of a structure’s interior changes, dialog followed on how it would take place, specifically in private homes. Dr. Goodman explained that the Building Department already had in place certain criteria for modifications to a property. Certain properties could be flagged for additional requirements for which an architectural design feature had been recognized by the HPC or by the individual homeowner. A separate section of code would need to apply for those specific buildings flagged with interior significance.

Mr. Papalardo believed that recommendations for designation should be open to the Board.

Mr. John Scholfield, 1125 Jefferson, Downers Grove, thanked staff for responding to his questions last Thursday night and highlighting the benefits of historical designation. As to implementation of the ordinance, he believed the designation would need to be recognized in the Village’s records and in its permitting records process so no oversights occur. He recommended educating the public and life/safety agencies on same. Lastly, he asked staff and the Commission to hypothetically consider how the application of the ordinance would work as it pertains to the 1846 Blodgett House and from a new owner’s standpoint whether the net worth would be a plus or minus to the owner and the Village.

Chairman Davenport explained how the process would take place. He viewed the historic ordinance as a tool for homeowners and discussed that most people would continue to preserve a structure.

Discussion followed that the owner of the 1846 Blodgett House knew that the highest and best use was to sell the land to a developer. Additionally, the owner wanted the house moved by a developer and then preserved. Mrs. Falco discussed that each property needed to be considered individually. She discussed that her mother now owned 943 Maple and would she would encourage her mother to nominate the house because it was the highest and best use for the site.

Susan Estall, 5512 Main Street, asked for clarification on a survey from the 1970's which was commissioned by Landmarks Preservation. She thought the information was helpful to the Commission. As to the ordinance, she supported the preservation and liked hearing the other side of the argument. She shared a story about the demise of a teardown home that had Underground Railroad significance. She believed notification on these types of homes was necessary. She will share the ordinance with some of her friends who would like to landmark their homes and hear their input.

Mr. Phil Matejczyk, 1539 Chicago Avenue, Downers Grove, provided some personal stories about a similar ordinance that was being implementing in West Chester, Pennsylvania. His understanding was that a historic boundary was drawn based on a survey in the town. Since visiting the town over the years, the town has had a rebirth. The other experience was his growing up in a historic home in Pittsburgh where there was no historic designation but the interior of the home was significant. He commented on the houses that existed on both sides of his youth home, which were significantly changed or razed.

Mr. Dean Pozarycki, 4728 Main Street, Downers Grove, had concerns about Section XX-005 relating to the Qualifications of the Members. He asked the Board consider a requirement that one member of the Board comply with Section 225 of the Illinois ILCS 305 Chapter 111.05, which addresses architectural qualifications. He reminded the ADRB that individuals' rights versus the rights of the community had to be recognized. Lastly, as to using photographs versus drawings, he preferred that staff and whoever is reviewing the language to recognize that any kind of technical submission to any department for review needs to have licensed professionals as part of the process.

Mr. O'Brien clarified that relaxing the plans requirements by using photographs was only for nominations. However, COA's would require professional drawings. Chairman Davenport stated it was his initial suggestion to staff to include it in the recommendation.

Receiving no more public comment, Chairman Davenport closed the public hearing.

Chairman Davenport referenced staff's seven (7) recommendation and asked if the board was in consensus. No objections were received. As to the strengthening enforcement and fines and how to deal with historical interiors, he favored red tagging certain work if it did not reach compliance.

Mr. O'Brien said he would tie the enforcement provisions to the general provisions of the enforcement sections of the Municipal Code specifically under the building sections. Fines would also be separate. He reviewed the steps and remedies that would be taken. However, he did not know if revoking permits could take place. Currently, stop orders were issued until work was corrected. Additionally, a Certificate of Occupancy could be withheld until final inspection took place. As to revoking permits on a historic structure, he surmised the village could restrict the amount of work on the permit as it relates to life/safety issues.

Chairman Davenport was satisfied with the ordinance being tied in with the existing building code. As to preserving interiors of homes, there was concern about murals being painted over, removing windows and how such matters would be addressed. Mr. O'Brien indicated the proposed fines for the historic district were higher than the village's regular fines. He further confirmed that when a building inspector does a final inspection for a final occupancy permit, an added inspection would be done by someone from the Community Development Department to confirm that the requirements of the COA have been completed.

Mr. Papalardo suggested that before a COA is issued by the Board, that members of this board consider the interior of a structure and become part of the COA. A brief comment followed on how the interior of the Sears homes were considered as their total value.

Board members recalled that when a petition came in it was discussed that elements of the interior could be raised at that time and not modify it afterward. The chair concurred. Discussion followed on whether to remove the word "exterior" under the definition of "Alterations". It was left up to staff.

Chairman Davenport referenced an email letter he received from Mr. Ken Lerner, a resident, who asked that certain language be considered in the ordinance including (his comments in italics):

*On page 3, Section 004.6, Commission - I wonder if the ADRB and HPC should be the same. I have some concern as to the possible workload of administering both HP ordinance and future design review responsibilities. Perhaps we wait and see, however. Chairman Davenport shared similar concerns. Staff confirmed that the powers and duties of the two entities could be split apart if necessary.*

*Page 5, Section 005.3, Terms and Vacancies - As you noted during the last ADRB meeting, there is no requirement for meeting attendance. Perhaps there should be a way of removing members who have not been consistently attending. Chairman Davenport believed it was necessary to be consistent with the rest of the boards and what is typically required for attendance.*

*Page 7, Section 005.7.n., Powers and Duties - This section provides for periodic review and comment on the Zoning Ordinance. Perhaps the Demolition Ordinance and other aspects of the Municipal Code that may affect landmarks or districts should be included also.* Mr. O'Brien indicated for the most part, the periodic review of the Zoning Ordinance is because historic preservation is tied closely with the Zoning Ordinance and the power the village has to zone land, specifically placing designations on the zoning map. He did not see a review of the Demolition Ordinance unless an issue arose.

*Page 8, Section 006.2, Application for Landmark - Concerned about the wide discretion given the director to waive information needed on the application or require additional information, particularly about requiring additional information as that could lead to an undue burden on applicants. Also, share your concern that requiring elevation drawings could be unduly burdensome.* Chairman Davenport recalled discussing the latitude of powers given to staff.

*Page 9, Section 006.3 - I agree with your suggestion to add criterion for designation that the property is source of civic pride or identity for the community. Chairman Davenport had suggested adding similar language as a Section H. Members concurred.*

*Page 9, Section 006.3.g - (areas that has yielded or may be likely to yield information important in history or pre-history). Perhaps the Pierce Downer gravesite would be an example of that type of location.*

*Page 10, Section 006.7 Public Hearing Provision - I wonder if a public hearing is necessary for an individual landmark decision as opposed to just considering the application at a public meeting where the public could comment. (All HPC meetings are public and their agendas are noticed in the paper and the village website. This is more public input than the Village Council has for its decisions.) Mr. O'Brien indicated under state law, public hearings were required to be held by the Village for designation of historic landmarks and districts.*

*Page 12, Section 007.1, Historic District Designation - Agree with your suggestion that historic districts be indicated on zoning maps. ADRB members concurred.*

*Page 13, Section 007.2a - Suggest adding the word "necessarily" as follows: "...while not necessarily of such historic significance to be designated as landmarks..." Staff did not believe the word clarified anything and recommended the sentence remain as is.*

*Page 13, Section 007.3, Public Hearings for historic district designations - I found this section unclear and confusing. It is not parallel to the individual landmarking process. In the landmarking process, the sequence of events is application, preliminary determination by HPC, owner approval, public hearing, HPC final determination, Village Council approval. For the historic district process, the process for scheduling a public hearing is very unclear. It seems likely a drafting error. Section 007.3.a says "Notice of date, time, place and purpose of the public hearing shall be sent by mail..." but it is unclear what public hearing this is referring to since the public hearing has not been mentioned prior to this. The last sentence of this paragraph uses the word "property" and "landmark" where one would expect "district" to appear. Then the public hearing is discussed again Section 007.7 on page 15. Is this the same public hearing or a different one? This section needs review. Staff believes there were modifications already made to the process, which were clarified. Mr. O'Brien indicted the preliminary determination step was already removed to make the process more streamlined. Members agreed seeing a redraft of the ordinance on this particular matter would be beneficial.*

*Page 14, Section 007.5 - I wonder why the owners designation form step is needed since the original application had to be accompanied by a petition with 51% of the owners of record.*

*Page 16, Section 008.2 Application for a COA - It starts out "Every application for a demolition permit or a building permit." Something seems wrong here. Should it read "application for a COA? Or, alternatively, every application for a demolition or building permit "for a landmark property or property within a historic district"? Mr. O'Brien stated it should begin "Every application for a COA."*

*Page 16, Section 008.2, Application for a COA - Once again, concerned about why discretion according to the director.*

*Pages 17 and 18, Section 008.3. Standards for a COA. It seems the process for a COA is the same for landmark properties or any property within a historic district. I wonder if there should be some separate criterion or standards for properties within the historic district that do NOT contribute to its character. Reasonable minds may differ as to whether that is a good idea. I'm just thinking that, say you have an historic district with many Victorian-era homes but a few lots with non-descript ranch houses built much later. Is replacing such a ranch house with a neo-Victorian a good thing or a bad thing? Members recalled this matter was addressed at the last meeting and there was going to be a mix of different properties. Mr. O'Brien stated he would review a home as a contributing landmark status using the requirements of 3 and 4 of the Certificate of Appropriateness. If construction was not a contributing structure, the board would be considering Number 4 of the COA.*

*Page 19, Section 008.5, Hearings on COA Applications - I was not sure if this section refers to the fact that the COA application will be considered in regular a HPC meeting or if some sort of special meeting must be scheduled for it. Staff responded that it could be a mixture of nominations, COA applications, etc. at a regularly scheduled meeting. Staff was looking to possibly increasing the timeline between the meetings.*

*Page 22, Section 010, Appeals - An ADRB member commented during the meeting that it would be preferable to eliminate appeal to the village council, making the HPC the final decision maker. Might be a good idea to get some informal feedback from one or two of the council members on that. Mr. O'Brien indicated that the ZBA process is required by a State requirement. The village attorney said there needs to be administrative review provisions for this ordinance.*

For the record, Chairman Davenport stated he was concerned that this Board will spend much time reviewing all the merits of a case and come up with a very thoughtful decision. If the Petitioner does not like that determination and then proceeds to the Council, the issue could become political. The Council really created us to review the application.

Furthermore, Chairman Davenport questioned if another board could be set up that would specifically address appeals without the application becoming a political event. Staff said he could research but he could also have one of the other commissions review it. However, Mr. O'Brien recommended that a petition go to the Village Council for an appeal. Personally, he stated village staff would continue to recommend to the council that they are the final appeal body. While the Chairman believed it made sense, he still saw concerns.

*Page 23, Section 011, Enforcement, Fees and Penalties - Agree with your suggestion to make the possible fines somehow proportional to the value of the property.*

Typographical errors were noted on *Page, 3, Section 3.4: delete "have" before "buyers."*  
*Page 16, Section 008.1, first sentence should be "a historic district" rather than "the historic district."*

Chairman Davenport summarized the highlights of tonight's meeting. First, there was concern about staffing and that the ordinance was creating new procedures. There was the understanding that current staff was overtaxed and additional assistance may be required when this ordinance is adopted. There was the suggestion of a physical designation of a landmark property or district and a determination may need to be made whether it should be codified or should the board handle it procedurally. The chairman envisioned working with the village's Historical Society regarding that. Mr. O'Brien believed it was up to the individual whether they wanted their home plaqued or not.

In addition, other topics included that the zoning map be reflected in any historic districts created. There was consensus about removing the word "exterior" under the definition of "Alterations". The discussion of enforcement was important and no changes in the ordinance were needed at this time. Having a thorough survey of the village was also important in order to receive certification from the state but it could be very costly. Mr. O'Brien offered to research the 1970's survey that rose in public comment.

Resident, Ms. Estall, recalled that the 1970's survey, as conveyed to her by Lisa from the Landmarks Preservation Council for the Lyman House, was extensive and half of the work was probably done. It just needed updating.

Resident, Dr. Gordon Goodman, said there were 196 properties identified on the 1970s survey and the survey was available on the village's website. He would forward it to the members. He would be interested to see what sites remained.

Mr. O'Brien recommended adopting staff's recommendations and any additional issues mentioned in the above discussion, such as tying the enforcement provisions of the historic preservation ordinance into the existing building and zoning remedies; removing the word "exterior" from the definition of "Alterations"; and the items in Mr. Lerner's letter, specifically: Item 5 (adding civic pride to the criterion); Item 8 (zoning map designation); Item 10 (making the landmarking and districting process consistent); Item 12 (correcting "Every application for a Certificate of Appropriateness" in Section 00.2 on page 16); Item 14 (the modification of the standards to clarify that all standards for contributing and non-contributing buildings are the Secretary of Interior, plus the design guidelines and for non-contributing structures are just the design guidelines); and any typographical errors, as necessary.

In addition, the Chairman raised discussion about who should be members of the Commission and if one member should be an architect. Mr. O'Brien recalled that when the ADRB was created, two licensed architects were required to be on the board. He believed one member should be identified as to have a license. Another member recalled that a lawyer was also required to be on the Board. Members agreed that the requirements for the ADRB should be the same requirements of the new historic preservation commission, i.e., two architects, one attorney, and individuals with interest in the building trades, real estate and members at large.

ADRB members introduced themselves to the public.

Chairman Davenport asked staff to provide a redline version of the changes to be made and asked for it to be forwarded to this board and the public prior to the council workshop.

MS. ACKS MADE A MOTION TO INCORPORATE THE SEVEN (7) RECOMMENDATIONS FROM STAFF'S MEMO AS FOLLOWS:

1. AN OWNER CONSENT FORM SHALL BE SIGNED BY ALL OWNERS OF RECORD AND SUBMITTED AT THE TIME OF APPLICATION FOR HISTORIC LANDMARK DESIGNATION.
2. AN OWNER CONSENT FORM SHALL BE SIGNED BY ALL OWNERS OF RECORD OF 51% OF THE PROPERTIES AND SUBMITTED AT THE TIME OF APPLICATION FOR HISTORIC DISTRICT DESIGNATION.
3. A CERTIFICATION OF ACKNOWLEDGEMENT OF HISTORIC PRESERVATION ORDINANCE REQUIREMENTS SHALL BE SIGNED BY ALL OWNERS OF RECORD AND SUBMITTED AT THE TIME OF APPLICATION FOR HISTORIC LANDMARK AND/OR HISTORIC DISTRICT DESIGNATION.
4. PHOTOGRAPHS OF ALL ELEVATIONS FOR ALL BUILDINGS SHALL BE INCLUDED IN AN APPLICATION FOR HISTORIC LANDMARK OR HISTORIC DISTRICT DESIGNATION. ELEVATION DRAWINGS SHALL BE OPTIONAL AT THE DISCRETION OF THE DIRECTOR AND/OR THE ARCHITECTURAL DESIGN REVIEW BOARD.
5. PERSONS ELIGIBLE FOR NOMINATION OF HISTORIC LANDMARKS AND/OR HISTORIC DISTRICTS SHALL NOT INCLUDE MEMBERS OF THE VILLAGE COUNCIL OR THE ARCHITECTURAL DESIGN REVIEW BOARD, UNLESS SUCH INDIVIDUAL OWNS THE PROPERTY(IES) IN QUESTION.
6. SECTION XX.005 - CREATION OF DOWNERS GROVE HISTORIC PRESERVATION COMMISSION SHALL BE RELOCATED TO CHAPTER 2, ARTICLE IV OF THE MUNICIPAL CODE.
7. CORRECTION OF TECHNICAL AND TYPOGRAPHICAL ERRORS.

TYING THE ENFORCEMENT PROVISIONS OF THE HISTORIC PRESERVATION ORDINANCE INTO THE EXISTING BUILDING AND ZONING REMEDIES; REMOVING THE WORD "EXTERIOR" FROM THE DEFINITION OF "ALTERATION"; AND THE FOLLOWING ITEMS IN MR. LERNER'S EMAIL LETTER, SPECIFICALLY:

1. ITEM 5 (ADDING CIVIC PRIDE TO THE CRITERION); ITEM 8 (ZONING MAP DESIGNATION);
2. ITEM 10 (MAKING THE LANDMARKING AND DISTRICTING PROCESS CONSISTENT);
3. ITEM 12 (CORRECTING "EVERY APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS" IN SECTION 00.2 ON PAGE 16);
4. ITEM 14 (THE MODIFICATION OF THE STANDARDS TO CLARIFY THAT ALL STANDARDS FOR CONTRIBUTING AND NON- CONTRIBUTING BUILDINGS ARE THE SECRETARY OF INTERIOR PLUS THE DESIGN GUIDELINES, AND FOR NON-CONTRIBUTING STRUCTURES ARE JUST THE DESIGN GUIDELINES); AND
5. TO MAINTAIN THE QUALIFICATIONS OF THE ADRB AS THE QUALIFICATIONS FOR THE HISTORIC PRESERVATION COMMISSION.

SECONDED BY MR. PAPALARDO.  
ROLL CALL:

**AYE: MRS. ACKS, MR. PAPALARDO, MRS. FALCO, MRS. DUNHAM,  
MR. MATTHIAS,**

**MR. RUSS, CHAIRMAN DAVENPORT**

**NAY: NONE**

**MOTION PASSED. VOTE: 7-0**

Chairman Davenport thanked the commissioners and the public for their comments.

**ADJOURNMENT**

**MRS. ACKS MOVED TO ADJOURN THE MEETING. MR. RUSS SECONDED THE  
MOTION. THE MEETING WAS ADJOURNED AT 12:16 P.M. MOTION CARRIED.**

/s/ Celeste K. Weilandt

Celeste K. Weilandt

(As transcribed by MP-3 audio)



VILLAGE OF DOWNERS GROVE  
ARCHITECTURAL DESIGN REVIEW BOARD  
MEETING

MAY 31, 2007, 5:00 P.M.

Chairman Davenport called the May 31, 2007 meeting of the Architectural Design Review Board to order at 5:08 p.m. and asked for a roll call:

**PRESENT:** Mrs. Acks, Mrs. Dunham, Mrs. Falco, Mr. Mattheis, Mr. Papalardo, Chairman Davenport

**ABSENT:** Mr. Russ

**STAFF**

**PRESENT:** Jeff O'Brien, AICP, Senior Planner  
Tom Dabareiner, AICP, Director of Community Development  
Beth Janicki-Clark, Village Attorney  
Stan Popovich, AICP, Planner

**VISITORS:** Mr. John Schofield, 1125 Jefferson

**APPROVAL OF MINUTES**

Minutes of the February 13, 2007 meeting were approved on motion by Mrs. Dunham, seconded by Mr. Mattheis. Motion carried by voice vote of 5-0.

(Mrs. Falco arrives at 5:12 p.m.)

Chairman Davenport requests approval or modifications to the February 24, 2007 meeting minutes.

Mrs. Acks notes that the visitors should include 'Mrs. Susan Estall' instead of 'Mr.'

Chairman Davenport requested changes to the last two lines of the 2<sup>nd</sup> paragraph on page 3. The minutes should be revised to say 'If modifications recommended by the Historic Preservation Commission are not satisfactory, the owner can appeal to the Village Council. If the Village Council decision is not satisfactory, the owner may appeal in the court system.'

A line is drawn on page 4 of the minutes. Staff noted it was most likely a printer error and will be corrected.

The Chairman inquired about the first paragraph on page 7 of the notes. Mr. O'Brien clarified the COA inspection would be completed in addition to a typical final occupancy permit.

Chairman Davenport inquired whether the ADRB and Historic Preservation Commission could be separated in the future. Mr. O'Brien and Mrs. Janicki-Clark noted the two could be separated through a separate ordinance.

Chairman Davenport requested changes to the 5<sup>th</sup> paragraph on page 9 as the paragraph did not make sense as written.

Mrs. Dunham noted the word 'made' needs to be added to the fifth line of the 1<sup>st</sup> paragraph on page 10.

There being no further changes, Chairman Davenport requested a motion.

Minutes of the February 24, 2007 meeting were approved with modifications on motion by Mr. Papalardo, seconded by Mrs. Dunham. Motion carried by voice vote of 6-0.

### **OLD BUSINESS – HISTORIC PRESERVATION ORDINANCE**

Chairman Davenport stated the ordinance has undergone a significant rewrite based on the public hearings and that it is much easier to read now. Chairman Davenport noted he has some additional comments about the ordinance, beginning with 2.57(c) on page 3. He felt that this did not need to be included in the ordinance. Mr. O'Brien stated the language regarding the evaluation of the Design Review Committee and Appearance Code could be removed because the Board had already provided recommendations on those items.

Mrs. Acks inquired about the Design Review Committee on page 2. She noted it still exists even through the ADRB completed the duties of the Design Review Committee. Mr. O'Brien stated the Village Council is completing this process in steps and once the ADRB is established, Village Council will undertake the process of eliminating the Design Review Committee through a separate ordinance.

Mr. Papalardo requested that the word 'licensed' be removed within Section 2.56 on page 3. He requested just 'architect' be used. To legally call yourself an architect Chairman Davenport stated you have to have been licensed at one point.

Mrs. Acks questioned the definition of a historic district on page 4. She wondered why it required two contiguous buildings or structures. Mr. O'Brien clarified staff was attempting to restrict the gerrymandering of district lines. Through Board discussions it was determined 'buildings and structures' would be changed to 'properties.'

Mrs. Acks asked why the definition of a landmark references itself. Mr. Janicki-Clark noted a landmark must meet certain requirements spelled out within the ordinance. Discussion occurred, and it was determined that it would be best to leave the definition as it was presented.

Chairman Davenport added the word 'of' to the last line of page 5. Mrs. Acks pointed out the misspelling of 'exemplifies' on page 8.

Chairman Davenport asked the Board if they felt it would be good for staff to notify the Board about the Director-issued minor exterior modification COAs. He believes it is necessary. Board and staff discussion occurred regarding whether notification should be called out in the ordinance or whether it could be a policy. It was agreed the notification could be within a policy that would call

## DRAFT

for a quarterly staff report to the Board regarding the Director-issued minor exterior modification COAs.

Mrs. Acks stated she would like to remove 12.702(f), detached garages, from the ordinance. She stated garages can be a big issue and can cause visual problems. It was determined that detached garages could in fact affect the districts. If the house was a Victorian house, would the Village want a non-descript detached garage. The Board felt it was important that detached garages be reviewed to ensure they compliment the existing house and district.

Discussions ensued whether reviewing garages would be burdensome to the Board. A question was raised about what type of garages would require review. Some Board members were concerned property owners may be overly restricted when trying to construct a detached structure. Discussion continued that if it did become burdensome the ordinance could be changed to once again allow the detached garages to be a minor exterior modification.

A discussion ensued regarding the standards for an accessory structure review. Section 12.704 would be used to review accessory structures. Specific standards for accessory structures could be developed at a later date. The Board agreed to remove 12.702(f), detached garages, from the ordinance and re-number the remaining numbers.

Mrs. Acks inquired about the words 'improvements' within Section 12.701(b) on page 8. It was clarified that 'improvements' are legal terms for buildings and structures on the property.

Chairman Davenport asked whether Sections 12.703 and 12.704 apply only to Historic Districts or whether they apply to Landmarks as well. Mr. O'Brien clarified these sections apply to both Historic Districts and Landmarks.

Mrs. Acks thought Sections 12.704(g) and (h) be combined into one point as they both address directional expression and the remaining items be re-lettered. She also noted item (h) should be 'directional expression.'

Mrs. Acks noted in Section 12.705, a second 's' in line 2 should be removed.

Mrs. Acks inquired why Section 18 was changed from 60 days to 90 days. Mr. O'Brien and Mrs. Janicki-Clark stated the Village needs time to develop forms, policies, and legal documents to be prepared for submissions. Additionally, staff needs time to develop a meeting schedule for the Board.

Mrs. Acks noted the ordinance is a much better document and much easier to read. Chairman Davenport inquired if there were other amendments or discussions on the ordinance. There being none, Chairman Davenport opened the discussion to public comment.

Mr. John Schofield complemented the good work of the staff and Board in completing the hard work it took to complete this ordinance. He encouraged the Board to include in their motion the suggestion that Village Council adopt the ordinance prior to Heritage Fest as a symbolic gesture.

There being no other public comment on this item, Chairman Davenport declared public comment closed at this time.

**WITH RESPECT TO THE HISTORIC PRESERVATION ORDINANCE, MR. PAPALARDO MADE A MOTION TO RECOMMEND THE VILLAGE COUNCIL ADOPT THE HISTORIC PRESERVATION ORDINANCE AS DRAFTED WITH CORRECTIONS AND AMENDMENTS FROM TONIGHT'S MEETING WITH THE HOPE THAT THE ORDINANCE BE ADOPTED PRIOR TO HERITAGE FEST.**

**SECONDED BY: Mrs. Dunham**

A discussion ensued regarding the potential adoption of the ordinance prior to Heritage Fest. Mrs. Falco stated it would be hard to have the ordinance passed prior to Heritage Fest. Chairman Davenport noted it would be difficult to pass prior to Heritage Fest as staff has to take a look at the ordinance again and prepare documents for the Village Council. Staff noted the ordinance will most likely be before the Village Council in July and recommended amending the motion to include the words 'at their earliest possible date.'

**WITH RESPECT TO THE HISTORIC PRESERVATION ORDINANCE, MR. PAPALARDO AMENDED HIS ORIGINAL MOTION TO RECOMMEND THE VILLAGE COUNCIL ADOPT THE HISTORIC PRESERVATION ORDINANCE AS DRAFTED WITH CORRECTIONS AND AMENDMENTS FROM TONIGHT'S MEETING WITH THE HOPE THE ORDINANCE BE APPROVED AT THE EARLIEST POSSIBLE DATE.**

**SECONDED BY: Mrs. Dunham**

**ROLL CALL:**

**AYE: MR. PAPALARDO, MRS. DUNHAM, MRS. ACKS, MRS. FALCO, MR. MATTHIAS, CHAIRMAN DAVENPORT**

**NAY: NONE**

**MOTION PASSED. VOTE: 6-0**

Chairman Davenport thanked the Board members and the public for their comments.

**NEW BUSINESS – NONE**

**PUBLIC COMMENT –**

Mrs. Falco stated she is selling tickets to the upcoming Gin Blossoms concert. All proceeds will be donated to the 1846 Blodgett House project. She asked that Board members spread the word about the ticket sales and potential sponsorship opportunities.

Mr. John Schofield stated he is a member of the Downers Grove Coalition for Managed Redevelopment and has prepared a document to support neighbors impacted by developments. The brochure is an attempt to empower residents with knowledge of Village policies and procedures. Mr. Schofield passed out the booklet and encouraged all to copy the document and provide it to others.

**DRAFT**

Chairman Davenport noted he contributed to the document and feels it provides a summary of Village policies. He stated he uses the brochure for his clients and contractors.

**ADJOURNMENT**

**MRS. ACKS MOVED TO ADJOURN THE MEETING. MR. PAPALARDO SECONDED THE MOTION. MOTION CARRIED. THE MEETING WAS ADJOURNED AT 6:11 P.M.**

Minutes Transcribed by:

Stan Popovich, AICP  
Planner