

VILLAGE OF DOWNERS GROVE
ARCHITECTURAL DESIGN REVIEW BOARD
and
AD HOC SUBCOMMITTEE ON HISTORIC PRESERVATION
Public Works – Lunch Room
5101 Walnut Avenue

September 2, 2015
6:30 P.M.

AGENDA

1. Roll Call
 - a. Architectural Design Review Board
 - b. Ad Hoc Subcommittee on Historic Preservation
2. Minutes
 - a. Ad Hoc approval of minutes from the August 19, 2015 meeting
 - b. ADRB approval of minutes from the August 19, 2015 meeting
3. Review and summary of August 5 and 19 meeting
4. Property Owner Survey Discussion
5. Break
6. Downers Grove Ordinance - Key Policy Direction Discussion
7. Public Comment
8. Adjournment
 - a. Ad-Hoc Subcommittee
 - b. ADRB

THIS TENTATIVE REGULAR AGENDA MAY BE SUBJECT TO CHANGE

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VILLAGE OF DOWNERS GROVE

ARCHITECTURAL DESIGN REVIEW BOARD
AND
AD HOC SUBCOMMITTEE ON HISTORIC PRESERVATION
PUBLIC WORKS – LUNCH ROOM
5101 WALNUT AVENUE

AUGUST 19, 2015, 6:30 P.M.

Chairman Matthies called the August 19, 2015 meeting of the Architectural Design Review Board and AdHoc Subcommittee on Historic Preservation meetings to order at 6:37 p.m. and asked for a roll call:

ARCHITECTURAL DESIGN REVIEW BOARD

PRESENT: Chairman Matthies, Members Mr. Davenport (6:50 p.m.) Ms. Englander, Mr. Larson, Mr. Riemer

ABSENT: Mrs. Acks, Mr. Casey

AD HOC SUBCOMMITTEE ON HISTORIC PRESERVATION

PRESENT: Chairman Behm, Members Mr. Birch, Ms. Gasson, Mr. Geocariss, Mr. Leitschuh, Mr. Zimolzak

ABSENT: Mr. Jarosz

STAFF: Deputy Village Manager Mike Baker and Planning Manager Stan Popovich

VISITORS: Mr. Matthew Maher, 819 Maple Ave, Downers Grove; Mr. Tom LeCren, 545 Chicago Ave., Downers Grove; Mr. Scott Lazar, 808 Maple Ave., Downers Grove; John Hebert, 802 Maple Ave., Downers Grove; Ms. Shannon Tully, 5413 Main St., Downers Grove; Mr. Rich Kulovany, 6825 Camden Rd., Downers Grove; Kathy Nybo, 5253 Blodgett Ave., Downers Grove

APPROVAL OF MINUTES – AD-HOC SUBCOMMITTEE – AUGUST 5, 2015

THE MINUTES OF THE AUGUST 5, 2015 AD-HOC SUBCOMMITTEE ON HISTORIC PRESERVATION MEETING WERE APPROVED ON MOTION BY MR. ZIMOLZAK, SECONDED BY MS. GASSON. ROLL CALL:

**AYE: MR. ZIMOLZAK, MS. GASSON, MR. BIRCH, MR. GEOCARIS,
MR. LEITSCHUH, CHAIRMAN BEHM**

NAY: NONE

MOTION CARRIED. VOTE: 6-0

APPROVAL OF MINUTES – ADRB – AUGUST 5, 2015

THE MINUTES OF THE AUGUST 5, 2015 ADRB MEETING WERE APPROVED ON MOTION BY MR. RIEMER, SECONDED BY MS. ENGLANDER. ROLL CALL:

**AYE: MR. RIEMER, MS. ENGLANDER, MR. LARSON, CHAIRMAN MATTHIES
NAY: NONE**

MOTION CARRIED. VOTE: 4-0

REVIEW AND SUMMARY OF AUGUST 5TH MEETING

Chairman Matthies summarized that there was good input received from the public at the last meeting especially as it related to the CLG status, its benefits, if any, and separating individual landmarks from a historic district. A list of last meeting's discussion topics was placed on the flipcharts by Mr. Baker who also repeated the goals of these meetings.

Items discussed last meeting included:

- eliminating the landscaping requirements from the Certificate of Appropriateness;
- consider changes to the public hearing requirements for applicants;
- facilitate, early on, any information-gathering processes for the applicant;
- remove non-contributing structures from the district;
- reduce/eliminate Certificate of Appropriateness requirements for non-contributing structures; and
- waive hearing or application fees and consider an overlay of conservation districts (example: Prince Pond)

Other recommendations staff heard included:

- develop simple and easy-to-use informational materials that assist applicants in the process that help explain and quantify the benefits and credits of landmarking;
- explain what can/cannot be done in clear terms;
- clear up misperceptions that may exist around landmark status;
- consider public improvements in historic areas as a way to demonstrate the village's commitment to investment in the history of the community;
- develop/support programs to recognize historic structures and improvements;
- identify the most significant/threatened structures and engage property owners into how they may protect or assist in protecting the significance of those properties;
- identify all potential sources for incentives and make readily available;
- determine whether the CLG status is a benefit or a burden; and
- update the inventory to include structures with local historical significance that may not be captured in the architectural survey.

Comments followed that the two committees could continue to grow the list, but eventually trim it down. An explanation followed as to what was meant by "consider public improvements,"

Another member pointed out that the above list had a reoccurring theme about developments using materials and their misperceptions. It was pointed out that there was a need to distinguish between what was similar and/or different between the Certificate of Approval process for a landmarked building versus any regular permit operations.

DISCUSSION OF OTHER COMMUNITY ORDINANCES

A. Like/Dislike about other community ordinances; Why?

It was pointed out that the reoccurring theme in the table that was provided in the packet appeared to be that a large majority of the historic districts in the various communities were formed 25 years ago when there were more programs and the incentives were more realistic than they were today. More specifically, the City of Aurora had an urban conservation district which was in addition to its historic district. The program still offered protection to areas that could lose a landmark/historic structure. It was suggested to review that aspect carefully since there were many neighborhood members who wanted to maintain even though they may not be as historic as other areas under discussion.

It was also brought up that the village's ordinance went into affect just before the recession took place, which was poor timing, and that many people probably felt different about their own real estate now than they did in the 1960s, 1970s and 1980s where every home appreciated every year. That was not so true now. Another similar theme throughout the table was the non-voluntary nature of some of the designations as well as the concern about a third party nominating someone's home while that person was in the process of being considered for either landmarked status or for a historic district. Not enough clarity was provided as to when a COA was required and when it was not.

Other comments followed that the definition of "alterations" was not clear; anyone in Downers Grove could nominate a historic district, while in other districts the Historic Preservation Commission nominated them; while Elgin had a great incentive program, most communities did not, except for what was offered by the state; and Highland Park had a non-contiguous district which could be considered by Downers Grove.

Additional comments included that the Certificate of Economic Hardship and Certificates of Approval for some communities was very clearly stated and worth looking at; all of the ordinances listed were very powerful and residents or groups of residents living in those communities could nominate someone's home for landmark or could nominate a district; however, the approval process required more vetting (details followed) and it appeared that once something had been nominated, all work had to stop, which was a powerful tool on personal property rights.

The chairman asked for input on the group's thoughts about not requiring owner consent. Comments followed that having anyone nominate/landmark something was fine but once something was nominated the work should not have to stop, but instead continue through the process before the restrictions apply. Having the more than the 51% needed to nominate a historic district was also noted in many of the communities and, while it was fine for anyone to nominate an individual property, it was more difficult for the homeowner than if two-thirds majority of the council wanted the nomination. However, someone mentioned that the prohibition period addressed that type of circumstance as a fail-safe. Chairman Matthies believed that was a "reactive" response versus a "proactive" response. It was also mentioned

that when some of the ordinances were created, not much information existed regarding hazardous materials and for someone to nominate a historic property whose owner had children could not be done today. Dialog followed that there had to be a balance between the two ideas, the group had to think long-term, and the ordinances mentioned had safeguards in them.

B. Like/Dislike about education, outreach and awareness efforts in other communities; Why?

A discussion followed regarding the amount of outreach that the various communities conducted and the fact that if the village wanted a community buy-in of preservation, then having a heavy-handed ordinance may run contrary and be counter-productive. If the concern was neighbors nominating their neighbor's home that would be difficult. If a resident wanted to apply for landmark status for their own property, an idea was to require a conservation plan (with performance standards). The conservation plan could identify future improvements of the structure and once those were approved, a COA could be automatic as long as it was in compliance with the plan. This would avoid going through the COA process every time work needed to be done. Further dialog was raised on the federal tax incentive program and possibly working with the county to freeze the assessed values or create a historic preservation fund from increased demolition fees. Someone mentioned that defining the role of the board should be incorporated into the ordinance. It was noted the City of Aurora's ordinance was a very good example in that it was very easy to read.

Turning back to the discussion of whether the village wanted a historic district or not, Chairman Matthies pointed out that the non-contiguous district would be fitting for the village. However, dialog followed that at the last meeting it was mentioned that getting individual landmarked homes first could eventually generate interest in the creation of a historic district. Chairman Matthies reminded the group that Mr. Lazar commented at the last meeting that the village had to "get the base hits first; not home runs" and the group had to focus on how to get those base hits, which went back to how does the village provide an incentive to the individual owner. Other member comments included support of the City of Elgin's nomination criteria checklist (with 6 criteria) was very good and it provided guidance; others concurred.

Dialog then turned to one member discussing the fact that he did not mind the idea of nominating a neighbor's property but did mind the "freeze" with certain conditions, such as freezing the property from being demolished (for a certain period of time) or not damaging it intentionally, but also being cognizant of not making a decision for that property owner and stepping on their property rights. Comments followed that "a good enough reason" had to exist to take the process further. Examples followed where preservation would have to be a priority and where some sort of elected body to step in and have the power within the ordinance to do something.

Chairman Matthies, in speaking to the group, did not believe the village's ordinance was preventing the goals previously listed. It needed some fine turning but, overall, he felt it was "pretty good." Also, he felt it was a matter of the residents not understanding the process, what was it going to do to them in terms of their property rights, and not having any incentives. He believed there had to be non-monetary ways to create incentives.

The idea to appeal to those individuals who had the financial resources to landmark their property and had the civic pride to do so was discussed. Also, to consider the target homeowner: did the person just purchase the home or was he/she a third generation owner? Consider the two

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different approaches: was the home getting ready to be placed on the market or was it a dilapidated structure? By considering those distinctions, some solutions could be recommended.

Dialog turned to what the group thought about the approval and nomination vote percentages for creating a district only. Currently it was 51%/49% and Chairman Matthies believed those figures could have scared some residents. Then it was clarified that the simple majority of 51%/49% was the percentage to obtain just the nomination and not the final vote, which would be determined by the village council. A due process would take place.

Chairman Matthies invited the public to speak.

Mr. Mike Maher, 819 Maple Avenue, found that many of the residents were uneducated about the process and in reading through the ordinance rules on his own, he found them to be very restrictive. He believed some residents were scared by it and it pitted neighbors against each other. He believed there was no benefit to living in a historic district and he wanted to make the decisions for his own home. He did not know what type of incentive, if any, would change his mind at this time. Asked if he knew living in a historic district increased his property value or knew if there were no fees or less restrictions attached to same would he live in one, Mr. Maher stated it would make a difference but then again, it was a speculative statement by the members. Again, Mr. Maher stated he purchased his home and it was his choice.

Out of this dialog, came the fact that there was concern about property values and more government restriction, which were some of the barriers the group discussed at its last meeting and that it had to overcome them. Someone pointed out that "opting out" in a number of ordinances appeared to be an option.

Per a question, Mr. Maher then shared what he and his neighbors initially thought what a historic district meant, i.e., historic signs, plaques, tax breaks, etc. but then he read what the requirements were. He emphasized that he did not want to impose any requirements on his neighbor nor should his neighbor impose any requirements on him and that everyone should be able to make the best financial decision for his or her own property.

Regarding the above conversation, it was brought up that possibly the village was looking at the process the wrong way and should consider, for example, returning some streets back to brick or installing gas lighting in an effort to bring the area back to its historical reference without imposing something on the community. Would the community buy into it? Citing the E.H. Prince subdivision a member recalled where the village was going to pave over its brick streets and the residents came together and did not want it to occur. As a result, it became a special service area for them. Comments followed that maybe the group should start nominating properties that the village owned.

Resident, Mr. Scott Lazar, stated he was speaking on behalf of Downers Grove Families for Sensible Historic Preservation (FFSHP), a group that was organizing itself slowly, with the goal of its body believing that historic preservation should always be voluntary, safe for families, and not cause financial harm. He clarified the FFSHP was not aligned with any political party but he did want his group's input conveyed. He distributed copies of a document discussing national landmark registrations and historic district statistics for various communities within DuPage County. He pointed out that there were benefits to having national register properties which were less restrictive, less protective, and more honorary. Details followed. He questioned the

group if some of the districts identified in the survey applied for national register designation and would the group feel good about it. One member explained his own experience, commenting to get on the National Register was very difficult and what were the actual number of eligible structures that existed in the village?

Mr. Lazar then turned the discussion to owner consent requirements/opt outs for the Village of Glen Ellyn noting theirs was one hundred percent voluntary with an opt-out provision and an opt-in provision. His points included: 1) there was merit to preservation; 2) other communities were doing a better job at communication; and 3) other communities were looking at unique ways of funding. He reviewed the villages of Elmhurst, Lombard and Hinsdale in more detail, noting they had national districts and local landmarks but no local districts and were doing better than the Village of Downers Grove with 100% voluntary preservation. He argued that 100% participation could exist and still make progress in preservation. However, it was pointed out by Mr. Davenport that it was unknown if the Downers Grove kept its 51%/49% that would mean the village could not have a similar success with local landmarking. Something else was going on with the communities.

Per a question whether there was a correlation between incentives provided by the above-referenced communities and the landmark figures, Mr. Lazar stated he did not have time to look at that aspect. It was pointed out that the communities discussed had a concentration of wealth, however.

Mr. Lazar then handed staff a copy of Hinsdale's ordinance summary, written in easy-to-read language, and asked that staff distribute it to the members. He then cited the Village of Wayne's preservation ordinance which, when created, established a preservation fund (privately funded) but where the village actually drove the preservation. Wayne also accepted land donations. Mr. Lazar asked whether the village should have an acquisition approach for historic structures and could it be set up for that. Questions followed regarding the legality of that idea.

The group was reminded to not concern itself with linking a historic district to a preservation of structures, buildings or homes but to realize that the communities discussed above had many landmarks. The tie did not necessarily have to be 100% voluntary participation to a successful ordinance but that it was good information and somewhere these communities were doing something differently than Downers Grove.

Resident, Ms. Kathy Nybo, 5253 Blodgett, Downers Grove brought up the fact that this whole preservation idea came up when her son saw the Edwards house was for sale and he wanted to save it. She said she and her son met with Mr. Popovich who informed them that the only way that it could be saved was that it had to be part of a historical district. It was under a tight timeline and it was not saved. She explained that she had four piles of papers -- from those who supported the preservation, those that were "maybes", those that never responded, and those who were against the preservation. She stated the "no" group was the smallest group but the loudest group and that the village could not have a historic district without landmarked houses. After landmarks, the district would create itself.

Mr. John Hebert, 802 Maple Ave., Downer Grove, stated that he and his wife did not want anything that would reduce or place restrictions on their property in case they had to sell their property. He asked if anyone spoke to the owner whose historic house was landmarked and was for sale for the past 18 months and whether the landmark status hindered the sale of his home.

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He believed it would be beneficial to speak with that owner as well as the person who purchased the home on Carpenter Avenue. Mr. Hebert believed having a home in a historic district would hinder someone from purchasing the home but said when he purchased his home he maintained its character voluntarily and believed that made his home more valuable. If he had to go through the village to get approval to replace his shutters, it took more time and would make someone hesitant about wanting to get involved.

Mr. Behm noted the fact that having a true historic district added value to homes. San Diego's Gaslight District was cited as one such district. However, comments were also made that districts could decrease property values and that not one answer existed. Where a negative perception existed, a positive result could actually be obtained.

Mr. Tom LeCren, 545 Chicago Ave., Downers Grove asked if two separate ordinances could be created, given the group's time constraints. He asked for confirmation that a historic district did not have to have landmarked homes within its boundaries. And he stated that if the members were going to include that a neighbor can nominate a neighbor's home that it be reviewed with the U.S. Constitution property rights in mind. He also suggested to review the ordinance's current definitions since a community development director did not exist anymore. He inquired about demolitions and guidelines for constructing new.

The group agreed that it would be beneficial to have some form of guidelines within a district explaining what should be constructed in the historic district once a building was razed.

Mr. Rich Kulovany, 6825 Camden Rd., Downer Grove, a member of the Friends of the Edwards group, stated he met with Bob Barnett recently regarding his take on historic preservation and what this group wanted get out of the discussions. He believed much of the negativity from the individual opposing preservation was based on the old ordinance and that there were some issues that needed to be addressed. He supported removing some of requirements from the ordinance and the groups appeared to have a consensus on that. However, he felt that no matter what changes this group made, be it tax breaks or incentives, he stated that Mr. Maher, who spoke above, would not be interested in landmarking his home.

Mrs. Shannon Tully, 5413 Main St., Downers Grove, confirmed that when Ms. Nybo was trying to save the Edwards House, it was to utilize the only option that was available at the time and that was now in the past. The current issue was how to move forward with changes to make preservation voluntary. She suggested everyone become part of the Friends of the Edwards group because that group was all voluntary and she was a private property rights advocate. She believed everyone was on the same page and should be working together to make it more desirable for the community to landmark their own home.

Mr. Kulovany then asked those members in the group who were speaking differently about this topic, would they be willing to support voluntary preservation, since he did not see anyone from the group present when the Edwards home was being razed, and would the group do anything different now since an architecturally significant building was lost? He believed everyone should be working together to come up with a mutually agreeable document. He distributed an education plan for members to review.

Mr. Scott Lazar clarified that he and a number of individuals were not opposed to preservation but were trying to make constructive suggestions and trying to provide some solutions.

Mr. LeCren shared a story about a home in Downers Grove he visited in 1940s as a child which was still standing.

DOWNERS GROVE ORDINANCE BRAINSTORMING

A. Elements of Downers Grove's ordinance would you consider changing and why:

Chairman Matthies summarized that it appeared there was an underlying discussion of separating the two ordinances and focusing on individual landmarking. Because the "districting" portion of the discussion seemed to be an issue, it was suggested to not include a district ordinance at all. Dialog followed that it may not be necessary to remove the district portion entirely but to work on the positive ideas and focus on landmarking and discuss the 51%/49% approval for a district nomination sometime in the future.

Chairman Matthies directed the group's attention to discuss the overlying items that affect both historic districts and individual landmarks and how the burden could be eased, and then discuss whether the members wanted to effect the district by creating an opt-out provision. After some dialog, the members decided it should focus on pursuing individual landmarks versus districts and create an educational campaign. Then someone suggested another alternative: to add a buffer within 200 or 300 feet of a landmark to protect its context by imposing certain types of regulations as to what could happen to the other properties. Examples followed, noting the character of the area would be protected without establishing a district. Concerns were raised that it became a property rights issue. Looking at the larger picture, if there 20 to 30 landmarks in the village then the conversation could begin about starting a historic district, but for now it needed to build over time.

He directed the group to work on changes to the ordinance as it affected individual landmarks and then to hold a future discussion regarding the 51%/49% and opt-out provisions. Mr. Riemer suggested to start with staff's red-line changes to the ordinance and add to it as a start. Chairman Matthies asked that the members read through staff's changes and continue the discussion at the next meeting.

Conversation vacillated whether to include or exclude "historic districts" in the ordinance or placing a moratorium on it for a certain length of time or after a certain number of landmarks are reached, and then revisit the topic again. The residents attending the meeting were then asked how they would respond if the "district" portion was removed from the ordinance. The public's comments followed:

PUBLIC COMMENT

Mr. Lazar commented that given the number of districts that have been identified in the village's survey, with the exception of Maple Avenue, no one has come forward requesting a district to be created.

Mr. Kulovany, with Friends of the Edwards House, believed it would be beneficial if the "district" portion of the discussion could be tabled and supported staff's recommendations. He did not support starting the ordinance from scratch but making the adjustments discussed. Making positive steps and getting the public excited about preservation would be a good start.

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The group discussed three options that were available to them regarding the ordinance:

- 1) make changes to the ordinance to make it more attractive;
- 2) leave the ordinance alone but focus on the landmarks and make a recommendation that the existing ordinance be repealed and a new ordinance be adopted that has the same provisions for the districts; or
- 3) remove all of the provisions relating to the district and have landmarks only.

Some members believed option 2 made sense. Mr. Popovich noted he has not seen an ordinance that only discussed landmarks and excluded districts. He explained that the group could determine how Certificates of Appropriateness related to landmarks individually versus significant, contributing, and non-contributing buildings in a historic district. If changes to the COA process were made it might assist with historic districts and the districts would not need to be removed from the ordinance.

For the next meeting, the goals were to

- 1) discuss staff's redline draft of the ordinance and to hear the results of the members' surveys;
- 2) have staff provide the members some clarification of what it can and cannot do as it relates to the village's CLG status; and
- 3) see if members would care if the CLG status was removed.

Comments followed that the CLG was being overlooked and that the only benefit to the village was the tax freeze and if the village lost its CLG status, that incentive was gone, which may be why it could be beneficial to keep the district in the ordinance.

Mr. Popovich asked members to return the surveys to him by August 28th. He briefly discussed the agenda items planned for the next meeting. Staff was asked to also provide a list of items that need a COA versus those that need a permit.

Mr. Lazar asked if members could read through the redline draft ordinance submitted to them by the Downers Grove Families for Sensible Historic Preservation.

ADJOURNMENT

MR. LEITSCHUH MOTIONED TO ADJOURN THE AD HOC SUBCOMMITTEE ON HISTORIC PRESERVATION MEETING AT 9:44 P.M. SECONDED BY MR. ZIMOLZAK. MOTION CARRIED UNANIMOUSLY BY VOICE VOTE OF 6-0.

MR. DAVENPORT MOTIONED TO ADJOURN THE ADRB MEETING AT 9:44 P.M. SECONDED BY MR. RIEMER. MOTION CARRIED UNANIMOUSLY BY VOICE VOTE OF 5-0.

Respectfully submitted,

/s/ Celeste K. Weilandt
Celeste K. Weilandt
(As transcribed by MP-3 audio)

Illinois Historic Preservation Agency (IHPA) - Certified Local Government (CLG) discussion

CLG program is still being managed by IHPA and is funded

IHPA will review proposed ordinance changes

- Can submit whole ordinance or partial ordinance for their review
- Village timeframe explained to IHPA
- IHPA does not anticipate Village losing CLG status based on our discussions up to this time

Property Tax Freeze Program (Single Family Residential)

- 12 year benefit (8 years of a freeze and 4 years of incremental increases)
- Value of work must be at least 25% of EAV
- Improvements must meet Secretary of the Interior standards
- All proposed improvements count towards the 25% requirement
 - Major public rooms must meet standards (parlor, stairway, living, dining, upstairs halls)
 - Kitchens, bedrooms and bathrooms can be remodeled and upgraded w/o meeting Secretary of the Interior standards
 - Original windows may not be replaced
 - Replacement windows may be replaced with new replacement windows
 - Many times, a kitchen alone will meet the majority of the 25% threshold

Grant Funding

- Grant funding is provided through the Federal Government
- IHPA is required to grant at least 10% of their funding to local communities
- Grant program is continuing
- Education grants remain eligible for funding

Minor COA	Permit Required?		Comments
	Yes	No	
Construction or alteration of fence	X		
Construction or alteration of patio	X		
Construction or repair of driveways or sidewalks	X		
Construction of sheds	X		Over 100 sq. ft
Construction or alteration of open rear porches or decks	X		
Demolition or alteration of accessory structures	X		
Construction of new exterior steps	X		
Installation of removal of landscaping		X	Unless grade is being changed
Replacing or repairing of wood or asphalt shingles		X	Assuming no structural work being completed
Exterior painting		X	
Routine maintenance and cleaning		X	
Replacing aluminum clad windows or vinyl clad windows		X	Assuming replacement windows are the same size
Repairing damaged architectural features to their original state		X	
Replacing aluminum or vinyl siding		X	
Major COA	Permit Required?		Comments
	Yes	No	
Building Addition	X		
New accessory structure (e.g. detached garage, gazebo)	X		
Demolition	X		
New front porch	X		