

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

Resolution or Ordinance (Blue) Waiver of First Requested
 Recommendations of Boards, Commissions & Committees (Green)
 Other Business (Pink)

TO : PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott Niehaus, Village Manager

DATE : June 11, 2018

(BOT) Date: June 21, 2018

SUBJECT: 305 East Morningside Avenue: Removal of Landmark Site Designation

SUBMITTED BY: William J. Heniff, AICP, Director of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

In the fall of 2017, it came to the attention of the Historic Preservation Commission (HPC) that the local landmark property located at 305 East Morningside Avenue had been foreclosed on and auctioned off to a bank. The agent replaced all of the windows with what appeared to be new vinyl windows that do not match the original windows. Permits were not obtained for this work as required. A certificate of appropriateness application/permit was submitted on April 12, 2018 and subsequently denied by the HPC on April 17, 2018.

Please place this item on the June 21, 2018 Board of Trustees agenda for a first reading. The HPC recommends that the Village Board repeal Ordinance 6698 and remove the landmark site designation for the property at 305 East Morningside Avenue.

Fiscal Impact/Funding Source:

Review (as necessary):


Finance Director _____ Date _____
Village Manager _____ Date _____

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the agenda distribution.



MEMORANDUM

TO: Scott R. Niehaus, Village Manager

FROM: William J. Heniff, AICP, Director of Community Development 

MEETING DATE: June 21, 2018

SUBJECT: **305 East Morningside Avenue; Removal of Landmark Site Designation**

In the fall of 2017, it came to the attention of the Historic Preservation Commission (HPC) that the local landmark property located at 305 East Morningside Avenue had been foreclosed on and auctioned off to a bank. The agent replaced all of the windows with what appeared to be new vinyl windows that do not match the original windows. Permits were not obtained for this work as required. A certificate of appropriateness application/permit was submitted on April 12, 2018 and subsequently denied by the HPC on April 17, 2018.

The windows are the exterior features that contribute to the architectural and historical significance of the subject building based on the findings of the 2014 Architectural and Historical Survey. It is apparent no historical, pictorial or physical documentation was considered when replacing the windows on the subject property. The new windows were found not to be appropriate replacements. The property owner filed an appeal of the Commission's decision and request for removal of the Landmark Site designation for 305 Morningside Avenue on May 9, 2018 within the required 30 days.

The HPC referenced the portion of Section 32.079(G) of Village Code, when the decision was made to deny the certificate of appropriateness for the windows:

"Any person aggrieved by a decision of the Commission may, within 30 days after receipt by certified mail of the notice of denial, apply to the Board of Trustees of the village for a review of the Commission's decision. He shall file with the Village Clerk a written notice requesting the Board to review said decision. Should the Village Board agree with the aggrieved and override the Lombard Historic Preservation Commission's recommendation, its action would constitute an automatic removal of the "landmark site" designation."

ACTION REQUESTED

Please place this item on the June 21, 2018 Board of Trustees agenda for a first reading. The HPC recommends that the Village Board repeal Ordinance 6698 and remove the landmark site designation for the property at 305 East Morningside Avenue.

ORDINANCE NO. _____

**AN ORDINANCE
REPEALING ORDINANCE NO. 6698, ADOPTED MARCH 15, 2012,
AND TERMINATING THE LANDMARK SITE DESIGNATION GRANTED TO
305 EAST MORNINGSIDE AVENUE, LOMBARD, ILLINOIS,
PURSUANT TO SAID ORDINANCE**

BE IT ORDAINED by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

SECTION 1: The President and Board of Trustees (the “Village Board”) of the Village of Lombard (the “Village”) hereby find as follows:

- A. That, pursuant to Lombard Ordinance No. 6698, adopted March 15, 2012, and recorded with the DuPage County Recorder’s Office on April 3, 2012 as document number R2012-042942, the following-described property was designated as a Landmark Site as provided for in Section 32.079 of the Lombard Village Code:

Lot 1 in G.H. Morton’s Subdivision, being a subdivision in Section 8, Township 39 North, Range 11, East of the Third Principal Meridian, according to the plat thereof recorded October 21, 1949 as Document 578811, in DuPage County, Illinois;

P.I.N.: 06-08-323-001;

Common Address: 305 East Morningside Avenue,
Lombard, Illinois 60148;

(the “Subject Property”).

- B. That, subsequent to the Landmark Site designation being granted relative to the Subject Property, Strategic Realty Fund, L.L.C. (the “Current Owner”) became the owner of the Subject Property pursuant to a special warranty deed, recorded with the DuPage County Recorder’s Office on March 17, 2017 as document number R2017-026323.
- C. That, in October of 2017, the Current Owner was notified by the Village that replacement windows had been installed in the single-family residence on

the Subject Property without a permit, and without obtaining a certificate of appropriateness from the Village, in light of the Landmark Site status of the Subject Property.

- D. That, on April 11, 2018, the Current Owner submitted an application for a building permit for the replacement windows for the single-family residence on the Subject Property to the Village.
- E. That, on April 17, 2018, the Lombard Historic Preservation Commission: (1) reviewed the building permit application for the replacement windows, relative to the Subject Property, at its regularly scheduled meeting; (2) found that the replacement windows did not meet the criteria established in Section 32.079(E) of the Lombard Village Code, as the replacement windows resulted in changes in the exterior appearance of a building designated as a Landmark Site, which destroyed its original architectural integrity; and (3) determined that a certificate of appropriateness should not be issued relative to the replacement windows.
- F. That, by letter dated April 19, 2018 to the Current Owner, the Village staff advised the Current Owner of the decision of the Lombard Historic Preservation Commission, and further advised the Current Owner that the Current Owner had to either replace the replacement windows with appropriate windows that match the design and materials of the original windows or apply for a review of the Lombard Historic Preservation Commission's decision by the Village Board pursuant to Section 32.079(G) of the Lombard Village Code.
- G. That, pursuant to a letter dated May 7, 2018 from the Current Owner, which was received by the Village Clerk's Office on May 9, 2018, the Current Owner filed a timely appeal of the Lombard Historic Preservation Commission's decision, as set forth above, and requested the removal of the Landmark Site designation for the Subject Property.
- H. That, pursuant to the notice of appeal and request for removal of the Landmark Site designation for the Subject Property, as referenced above,

the matter was scheduled for review by the Village Board at the Village Board's June 21, 2018 Village Board meeting.

SECTION 2: That, based on the foregoing, and the fact that the Current Owner, unlike the owner in 2012, does not desire to have a Landmark Site designation for the Subject Property:

- A. Provided the Current Owner obtains the necessary building permit for the replacement windows, and pays the appropriate fee to the Village in relation thereto, the replacement windows can remain in place in the building on the Subject Property;
- B. In light of Section 2.A. above, and the Lombard Historic Preservation Commission's finding as set forth in Section 1.E. above, the Landmark Site designation for the Subject Property is hereby removed; and
- C. Lombard Ordinance No. 6698, adopted March 15, 2012, is hereby repealed.

SECTION 3: That the Village Clerk is hereby authorized and directed to take the following actions:

- A. Forward a copy of the Notice attached hereto as Exhibit A, and made part hereof, to the Village's Bureau of Inspectional Services;
- B. Forward a copy of the Notice attached hereto as Exhibit A, and made part hereof, to the Lombard Plan Commission;
- C. Forward a copy of the Notice attached hereto as Exhibit A, and made part hereof, along with a certified copy of this Ordinance, by certified mail, return receipt requested, to the Current Owner;
- D. File a certified copy of this Ordinance with the DuPage County Assessor's Office; and
- E. Record a certified copy of this Ordinance with the DuPage County Recorder's Office.

SECTION 4: That, pursuant to Section 32.079(G)(3) of the Lombard Village Code, any Landmark Site plaque issued by the Village, in relation to the Subject

Property, shall be returned to the Village, by the Current Owner, within thirty (30) days of the date of the mailing of the Notice attached hereto as Exhibit A, and made part hereof, to the Current Owner, as referenced in Section 3.C. above.

SECTION 5: That this Ordinance shall be in full force and effect from and after its passage and approval, as provided by law.

Passed on first reading this _____ day of _____, 2018.

First reading waived by action of the Board of Trustees this ___ day of _____, 2018.

Passed on second reading this _____ day of _____, 2018, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this _____ day of _____, 2018.

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Exhibit A

**NOTICE OF THE REMOVAL OF LANDMARK SITE DESIGNATION
BY THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF LOMBARD, DUPAGE COUNTY, ILLINOIS**

To: Jon O. Freeman
Managing Member
Strategic Realty Fund, LLC
4300 Stevens Creek Blvd.
#275
San Jose, CA 95129

Bureau of Inspectional Services
Village of Lombard
255 East Wilson Avenue
Lombard, Illinois 60148

Plan Commission
Village of Lombard
255 East Wilson Avenue
Lombard, Illinois 601458

Please be advised that, pursuant to Ordinance No. _____, adopted June 21, 2018, the President and Board of Trustees of the Village of Lombard have officially removed the Landmark Site designation, as provided for by Lombard Ordinance No. 6698, adopted March 15, 2012, relative to the following-described property, and have repealed said Ordinance No. 6698:

Lot 1 in G.H. Morton's Subdivision, being a subdivision in Section 8, Township 39 North, Range 11, East of the Third Principal Meridian, according to the plat thereof recorded October 21, 1949 as Document 578811, in DuPage County, Illinois.

P.I.N.: 06-08-323-001.

Common Address: 305 East Morningside Avenue,
Lombard, Illinois 60148.

Sharon Kuderna
Village Clerk
Village of Lombard, Illinois