

**April 17, 2018**

**Title**

Local Landmark Site  
Designation Request

**Petitioner/Property Owner(s)**

Thomas J. and Cynthia A.  
Masterson  
128-132 W. St. Charles Road  
Lombard, IL 60148

**Property Location**

134 W. St. Charles Road  
(06-07-204-024)

**Zoning**

B5 Central Business District

**Existing Land Use**

Single Family Residence

**Comprehensive Plan**

Community Commercial

**Approval Sought**

The structure to be recognized as a landmark site in the Central Business Zoning District.

**Prepared By**

Tami Urish  
Planner I



**REQUEST DESCRIPTION**

The property owners request the designation of the building located at 134 W. St. Charles Road as a landmark site.

**APPROVAL(S) REQUIRED**

Per Section 32.079 of the Code of Ordinances, a public hearing is required to consider the historic significance of a structure or site.

**EXISTING CONDITIONS**

The subject property is located in the downtown shopping district on the north side of St. Charles Road. The gable front cottage has a nondescript architectural style with wood clapboard that has occupied the current location since 1880. The house was built in 1875 but moved across the street in 1880. The use of the house most likely became legal nonconforming after a new zoning code/map in 1960.

*Surrounding Zoning & Land Use Compatibility*

	<b>Zoning District</b>	<b>Land Use</b>
<b>North</b>	R6PD	Residential, Condos
<b>West</b>	R6PD	Residential, Condos
<b>East</b>	B5 Central Business	Mixed Restaurant/Office
<b>South</b>	B5 Central Business	Mixed Retail and Residential

## BUILDING STATS

**Year Built: 1875**

**Architectural Style: None indicated by survey**

### Lot & Bulk

Parcel Size: 10,093 sq. ft.  
0.23 acres

Building Size: 1,039 sq. ft.  
footprint; 2 story

### Actual Setbacks

Front (south) 5 feet

Side (west) 21 feet

Side (east) 13 feet

Rear (north) 111 feet

### Submittals/Exhibits

1. Application for Local Landmark Designation.
2. Exhibit A, Section 32.079 of the Lombard Zoning Code.
3. Exhibit B, Section 32.077 of the Lombard Zoning Code.
4. Exhibit C, Section 155.302 of the Lombard Zoning Code.
5. Village of Lombard Architectural and Historical Survey 2014, Downtown, Pages 35/36.
6. Photo dated 8/17/2004; Photo dated 4/4/2018

## HISTORY

The Architectural and Historical Survey of 2014 identified the house as a gable front cottage constructed in 1875. No significant features of the building were identified. In the survey, the reason for significance is not listed however it is noted that Conrad Fabri was a harness maker that emigrated from Germany in 1871. He married Lena (Sophia) Pagels in Chicago in 1874 then moved to Lombard by 1876. Conrad Fabri ran his harness shop from the basement of the house. The Fabri family owned the house until 1946. The Fabri family is mentioned a number of times in *Footsteps on the Tall Grass Prairie, a History of Lombard Illinois*, by Lillian Budd (pages 18, 130, 163-164).

The subject property is not considered eligible for the National Register according to the survey.

### Aerial View of Subject Property



Staff notes that the use of the structure is a single family home. The property is zoned B5 Central Business District which does not permit residential use on the first floor therefore the property is considered legal nonconforming. Section 155.302 of the zoning code provides the authority to continue the use since it was lawfully established at the time it was constructed (Please see Exhibit C, attached). According to these provisions, the current use can only be changed to a use permitted in the B5 zoning district. Once the use is changed to a permitted use, it shall only be used thereafter for a use permitted in the B5 zoning district.

Also, if the use of a residence is discontinued or abandoned for a period of 365 consecutive days, the use shall not thereafter be re-established or resumed. There is no expectation that an office or other commercial use would not be able to use the building "as is" if this were the case.

## **ANALYSIS**

The Code of Ordinances provides the following parameters for a site to be classified as a historical site:

1. The character, interest, or value as part of the development, heritage, or cultural characteristics of the village.
2. The identification with a person or persons who significantly contributed to the cultural, economic, social, or historical development of the village.
3. The architectural significance of a building which is at least 50 years of age and is a good example of a specific architectural style containing distinctive elements of design, detail, materials, or craftsmanship, or is an example of a style which had an impact on the community. Such a building must retain much of its original architectural integrity.
4. The archeological importance of a site which has yielded, or may be likely to yield, information important in pre-history or history.

The designation of the building as a landmark site is appropriate due to criteria number #1. and #2. above. Architectural significance was not identified as criteria #3. however the building is over 140 years old and was one of the original buildings forming the downtown. This gives the building special historic and community value.

It is important to determine what elements of the building contribute to its historic significance and the streetscape it inhabits. The Illinois Historic Preservation Agency recommends that preservation projects should be designed to meet the Secretary of the Interior's Standards for Rehabilitation. The Agency does not recommend creating a false historical appearance by replacing features based on insufficient historical, pictorial and physical documentation. Any alterations that are similar in character to appearance that previously existed on the premises in approximate manner shall be exterior restoration if in compliance with submitted historic photos or plans. The exterior features that staff finds that contribute to the architectural and historical significance of the building and would require certificates of appropriateness for additions or modifications (thereof not including general maintenance or repair) include the clapboard wood siding, the porch, the arrangement of the windows/doors (original windows have been replaced) and front gable roof (with dormers) that give the streetscape presence of history.



## **TIMELINE**

The process required for local landmark status is within the Historic Preservation Commission's code of ordinances under section 32.077 (See Exhibit B, attached). The Local Landmarks Committee (LLC) is a committee of the Historic Preservation Commission (HPC) and reviews all local landmark applications for completeness and appropriateness. Once HPC concurs with LLC's recommendation or modifies conditions, a public hearing is scheduled and noticed for anyone to speak for or against the request for local landmark status. Based on this evidence, HPC convenes to make a recommendation to the Village Board. Below is an estimated timeline of meetings needed to meet the legal requirement of holding a public hearing for this application:

Local Landmarks Committee (receives the application and recommends to the HPC)	April 17, 2018
Historic Preservation Commission meeting (for preliminary conclusion):	April 17, 2018
Public Hearing: (a minimum 15 days' /maximum 30 days' notice is required from publication date)	May 4, 2018 – May 17, 2018
Historic Preservation Commission meeting (for recommendation):	May, 2018
Village Board consideration:	June, 2018

## **FINDINGS & RECOMMENDATIONS**

Staff finds that designation of the subject property as a landmark site is appropriate. Based on the above considerations, the Department of Community Development recommends that the Historic Preservation Commission make the following motion recommending approval of the designation of the structure at 134 W. St. Charles Road as a landmark site:

Based on the submitted petition and the testimony presented, the Historic Preservation Commission finds that the structure at 134 W. St. Charles Road complies with the criteria established for designation as a landmark site, and, therefore, I move that the Historic Preservation Commission recommend to the Corporate Authorities that the structure at 134 W. St. Charles Road be designated as a landmark site, subject to the following five conditions:

1. The landmark site designation is limited to the exterior of the existing building, as built circa 1875, and is further limited to the building's current location on the property at 134 W. St. Charles Road.
2. Any proposed exterior painting shall require a certificate of appropriateness if other than the existing colors of Sherwin Williams' "America's Heritage" series, Sheraton Sage (0014); Downing Sand (2822) and Fairfax Brown (2856). Maintaining the existing colors of paint would not require a certificate of appropriateness.
3. Any exterior work other than maintenance will require a building permit which will be referred to the Historic Preservation Commission for a certificate of appropriateness.
4. The property and structure shall be maintained in good condition.

5. If the building is damaged or destroyed, to the extent of more than fifty percent (50%) of the value of the site immediately prior to such damage, then the building's historical designation shall be considered null and void.

Inter-Departmental Review Group Report Approved By:

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William J. Heniff, AICP  
Director of Community Development

c. Petitioner

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**EXHIBIT A**

**Portion of Section 32.079 - Historical sites; designation and maintenance.**

(E)(1) The Commission shall have the authority to review all proposed alterations, regardless of whether or not they require a building permit. Alterations shall be defined as any work that results in changes in the exterior form, shape, or appearance of a building designated as a "landmark site" which thereby destroys its original architectural integrity. No alterations will be made and no building permit issued in regard to property classified as a "landmark site" to any applicant without a certificate of appropriateness from the Lombard Historic Preservation Commission in the following instances:

- (a) Where such permit would allow the alteration or reconstruction of any building designated as a "landmark site";
- (b) Where such permit would allow the demolition of any building designated as a "landmark site", except that in the event of extensive damage because of fire, windstorm, or other natural causes, demolition shall be allowed upon the recommendation of the Building Commissioner;
- (c) Where such a permit would allow the construction or erection of any addition to a building designated as a "landmark site"; or
- (d) Where such permit would allow the erection of another building or buildings on property designated as a "landmark site."

(2) The Commission, in considering the appropriateness of any alteration, removal in part, new construction, reconstruction, restoration, remodeling, other modification of any building requiring a permit, shall consider among other things, the purpose of this subchapter, the historical and architectural value and significance of the "landmark site" or "landmark district", the exterior texture and/or material of the building or structure in question or its appurtenant fixtures, other buildings within a "landmark district", and the position of such building or structure in relation to the street or public way and to other buildings and structures.

(3) The Commission shall review an application for demolition and have the authority to delay said demolition for a period not to exceed six months, to enable the Commission to try to find a purchaser or alternate use for the building.

(4) Nothing in this subchapter shall be construed to prevent ordinary maintenance or repair of any exterior elements of any building or structure described as a "landmark site."

*Repairs* shall be defined as any work where the purpose and effect of the work is to replace damaged or defective portions of a structure with like materials, thereby retaining the original architectural integrity.

*Ordinary maintenance* shall be defined as any work for which a building permit is not required by law, where the purpose and effect of such work is to correct any deterioration, decay of, or damage to a structure or any part thereof and to restore the same, as nearly as may be practicable, to its condition prior to the occurrence of such deterioration, decay, or damage.

(5) Interiors of buildings are only included as part of the historical designation when specifically established in the siting ordinance.

(F)(1) A certificate of appropriateness must precede the issuance of any permit in regard to property classified as a "landmark site." Application made to the Lombard Historic Preservation Commission must include copies of all detailed plans, designs, elevations, specifications, and documents relating thereto. The Commission shall meet with the applicant to approve, modify, or disapprove the application in whole or in part or suspend action.

(2) If the Commission finds the proposed work of a nature which meets the criteria established in division (E), it shall issue a certificate of appropriateness and forward it to the Building Commissioner. The Building Commissioner shall thereafter proceed with his own review of the application for a building permit. If the Commission finds that the proposed work does not meet the criteria, a certificate of appropriateness will not be issued. Written notice of the denial of the certificate of appropriateness, together with the reasons therefor, shall be given to the applicant.

(G)(1) Regulations and orders of the Commission issued pursuant to this subchapter shall be enforced by the Building Commissioner. Violations shall be punished as set forth in [§ 32.999](#).

(2) 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.

('70 Code, § 2.34.040) (Ord. 2575, passed 2-10-82; Ord. 6641, passed 9-1-11; Ord. No. 7102, § 1, passed 7-16-15; Ord. No. 7217, §§ 2, 3, passed, 5-19-16)

## **EXHIBIT B**

### **§ 32.077 - Public hearings.**

The Lombard Historic Preservation Commission shall have the authority to conduct public hearings upon its own motion, or on a citizen's petition therefore to implement the spirit of this subchapter for the purposes and uses set forth in 65 ILCS 5/11-48.2-2, and all modification and amendments thereof. Such hearings shall be pursuant to notice as is otherwise set forth in 65 ILCS 5/11-48.2-4. Upon the conclusion of such hearing, a recommendation shall be made within a reasonable time to the corporate authorities, which corporate authorities shall then take such action on the recommendation of the Commission as they may deem fit, necessary, and indicated.

('70 Code, § 2.34.020) (Ord. 2575, passed 2-10-82; Ord. No. 7217, § 2, passed, 5-19-16)

## EXHIBIT C

### § 155.302 - Nonconforming uses.

A use located within a building or structure, or on open land, which is not authorized in the list of permitted uses in the zoning district in which such use is located shall be subject to the provisions of subsections [155.302\(A\)](#)—(H), below.

(A) *Authority to continue.* Any lawfully nonconforming use of part or all of a building or structure, or any lawfully existing nonconforming use of land not involving a building or structure or involving a building or structure which is accessory to such use of land, may be continued, so long as it remains otherwise lawful, subject to the provisions of subsections [155.302\(B\)](#)—(H) . The existence of a nonconforming use on part of a lot or tract shall not be construed to establish a nonconforming use on the entire lot or tract.

(B) *Repair and maintenance.* Normal maintenance and incidental repair or replacement, and installation or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring or plumbing, may be performed on any building or structure that is devoted in whole or in part to a nonconforming use, provided however, that this subsection shall not be deemed to authorize any violation of subsections [155.302\(C\)](#)—(G) hereunder.

(C) *Expansion.* A nonconforming use shall not be extended, expanded, enlarged or increased in intensity. Such prohibited activity shall include, without being limited to:

- (1) Expansion of such use to any building, structure or land area other than that occupied by such nonconforming use at the time such use became nonconforming.
- (2) Expansion of such use within a building or other structure to any portion of the floor area that was not occupied by such nonconforming use at the time such use became nonconforming.
- (3) Operation of such nonconforming use in such a manner which conflicts with, or further conflicts with any requirement or standard established for the district in which such use is located.

(D) *Relocation.* No building or structure that is devoted in whole or in part to a nonconforming use shall be relocated in whole or in part to any other location on the same or any other lot, unless the entire building or structure and the use thereof shall thereafter conform to all the regulations of the zoning district in which such building or structure and use are located after being so relocated. No nonconforming use of land shall be relocated in whole or in part to any other location on the same or any other lot, unless such use shall thereafter conform to all the regulations of the zoning district in which such use of land is located after being so relocated.

(E) *Change in use.* A nonconforming use of land or of a building or structure shall not be changed to any use other than a use permitted in the zoning district in which such land, building or structure is located. When such nonconforming use has been changed to a permitted use, it shall only be used thereafter for a use permitted in the zoning district in which it is located. For the purpose of this subsection, a use shall be deemed to have been so changed when an existing nonconforming use shall have been terminated and the permitted use shall have commenced and continued for a period of seven days.

(F) *Abandonment or discontinuance.* When a nonconforming use of land or a nonconforming use of part or all of a building or structure is discontinued or abandoned for a period of 365 consecutive days (regardless of any

reservation of an intent not to abandon and to resume such use), such use shall not thereafter be re-established or resumed (unless a conditional use is granted as per [§ 155.305](#), below). Any subsequent use of such land, building or structure shall comply with the regulations of the zoning district in which such land, building or structure is located.

(G) *Damage or destruction.* In the event that any building or structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed, by any means, to the extent of more than 50 percent of the fair market value of such building or structure immediately prior to such damage, such building or structure shall not be restored unless such building or structure and the use thereof shall thereafter conform to all regulations of the zoning district in which such building or structure and use are located. When such damage or destruction is 50 percent or less of the fair market value of the building or structure immediately prior to such damage, such building or structure may be repaired and reconstructed and used for the same purposes as it was before the damage or destruction, provided that such repair or damage or reconstruction is commenced and completed within 12 months of the date of damage or destruction. The fair market value shall be determined by the Director of Community Development based upon a real estate appraisal conducted by an independent and certified real estate appraiser.

(H) *Increase in the intensity of a nonconforming use.* No change in a nonconforming use pursuant to this subsection [155.302](#)(E) shall be authorized which will increase either the number or intensity of uses on a parcel.

PHOTOS

