

MINUTES OF A REGULAR MEETING

URBANA HISTORIC PRESERVATION COMMISSION

APPROVED

DATE: **October 4, 2006**

TIME: **7:00 p.m.**

PLACE: **City Council Chamber, 400 South Vine Street, Urbana, Illinois**

MEMBERS PRESENT: Rich Cahill, Katherine Couch, Scott Dossett, Alice Novak, Trent Shepard, Art Zangerl

MEMBERS EXCUSED: Mary Stuart

MEMBERS ABSENT: None

STAFF PRESENT: Robert Myers, Planning Division Manager;
Tony Weck, Recording Secretary

OTHERS PRESENT: G.D. Brighton, Kathleen Jones, Karen Kummer, Chris Stohr,
Alethea Taylor

1. CALL TO ORDER, ROLL CALL AND DECLARATION OF QUORUM

Urbana Historic Preservation Commission Chair, Alice Novak, called the meeting to order at 7:00 p.m. The roll call was taken and a quorum was declared. Ms. Novak also welcomed new commissioner Katherine Couch to the Historic Preservation Commission.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Mr. Dossett proposed that amendments be made to the minutes of the September 6, 2006 meeting. Amendments were noted by the recording secretary. Mr. Zangerl made a motion to approve the September 6, 2006 meeting minutes as amended. Mr. Dossett seconded the motion. Upon a vote the Commission unanimously approved the minutes as amended.

4. WRITTEN COMMUNICATIONS

There were none.

5. AUDIENCE PARTICIPATION

There was none.

6. CONTINUED PUBLIC HEARINGS

There were none.

7. OLD BUSINESS

There was none.

8. NEW PUBLIC HEARINGS

Case #HP 2006-COA-01, Request for a Certificate of Appropriateness filed by Young Sun Kang to allow the removal and replacement of windows located at 801 West Oregon Street.

Robert Myers introduced the case, giving background and a summary of the request filed by the owner of the subject property. The original house was designed by Joseph Royer, one of the premier local architects during the time period. This home was also where Royer lived. The staff recommendation, as reported by Mr. Myers, was that a Certificate of Appropriateness be granted to the petitioner to replace only those windows present in the 1968 kitchen addition of the house. Staff further recommended repair of the original wooden windows in the original portions of the house, and that missing wood windows could be replaced but that the petitioner would need to submit an additional application to the Commission with details on the replacement windows to ensure that the replacements match the originals in design and materials. The petitioner was out of the country, but City staff have been working principally with the petitioner's representative. Having spoken to the petitioner's representative the afternoon of the meeting, Mr. Myers stated that the representative unfortunately could not be present at the meeting, and that he had requested more time to develop an alternative and requested delaying final action on this case.

Commission Chair Alice Novak opened the public hearing regarding the above noted case. It was acknowledged that no one was present at the meeting on behalf of the petitioner. Ms. Novak invited any proponents of the aforementioned request to speak. There were no proponents of the request present at the meeting. Ms. Novak then invited any opponents of the request to speak. Karen Kummer, Executive Director of the Preservation and Conservation Association (PACA) was the first to speak in opposition to the request. Ms. Kummer stated that PACA supports City staff's recommendation of repairing, rather than replacing, the original wooden windows in the house.

Kathleen Jones, a resident of 108 North Webber Street, also known as the "Gothic Revival House", then spoke in opposition to the request. Ms. Jones noted that her house has had all but two of its windows replaced with vinyl-clad double-hung replacement windows. She stated her feeling that this has denigrated the historic and architectural integrity of the house and her hope that she is able to reverse this renovation to the house within her lifetime. Ms. Jones further stated that she supported City staff's recommendations for the subject house of the request before the Commission.

Alethea Taylor, a resident of 701 South Busey Avenue and a neighbor of the subject house of this request, then spoke in opposition to the request. Ms. Taylor noted that her home was also designed

by Joseph Royer, the second house in the Royer Historic District. She expressed her support of City staff's recommendations in regards to this request.

With no further opposition to the request presented, Ms. Novak then opened the public hearing to discussion by the Historic Preservation Commission. Rich Cahill was first to speak on the matter. Mr. Cahill noted that there was a sentence on the application for Certificate of Appropriateness stating that the applicant was told at the time of purchase that the windows in the subject house could be replaced, however Mr. Cahill made the supposition that the applicant/owner would have known at the time of purchase that the house in question was a local landmark and therefore subject to the rules and regulations of local landmark designation. Robert Myers responded that he had spoken with former City of Urbana Planning Division Manager Rob Kowalski about this property, and that Mr. Kowalski remembered being asked if the windows in the subject house could be replaced, to which he answered that they could be replaced with a Certificate of Appropriateness from the Historic Preservation Commission under certain circumstances. Mr. Cahill stated that he was in support of staff's recommendations regarding this request.

Katherine Couch was next to speak on the matter. Ms. Couch stated that she felt that changing the multi-light original windows in lieu of single-light replacements would change the character of the subject house. She expressed her support of staff's recommendations regarding this request.

Art Zangerl was next to speak on the matter. Mr. Zangerl observed that it was clear that original windows exist on this house, which are important to its architectural character. He stated that he would be amenable to the Commission delaying a decision on the matter, however he was confident the recommended course of action would not change, which would be that he would not agree with replacement of the original windows. He felt that the original windows could be repaired and that the ones that were missing could be replaced with ones of like materials and style. He further stated that the windows in the 1968 addition to the house were a non-issue in his view.

Trent Shepard was next to speak on the matter. Mr. Shepard queried as to the construction materials of the proposed replacement windows (vinyl or aluminum) for the subject house, to which Mr. Myers replied that it was not clear from the application whether the proposed replacements would be vinyl or aluminum. Mr. Shepard also asked if the petitioner, Young Sun Kang, actually lived at the subject address. Mr. Myers replied that it was his understanding that Ms. Kang lives in Chicago. Mr. Shepard stated that he was very pleased with the staff report and that he completely agreed with staff's recommendation to issue a Certificate of Appropriateness only for the windows in the 1968 addition to the subject house.

Scott Dossett was next to speak on the matter. In light of the fact that the subject property owner was under the impression from the time of purchase of said property that the windows could be replaced, he suggested that information be provided to buyers of historically designated properties at the time of purchase. This information would outline the rules and regulations of properties designated as such and would avoid any possible confusion on the matter. Mr. Myers stated that such information does exist and suggested that perhaps something could be placed on file at the Champaign County Courthouse as part of the public record so that when a title search is performed on a given property, it's historic designation could be made part of the official record and noted by prospective property owners.

Mr. Zangerl asked if an ordinance was passed in recent years by City Council that requires realtors to inform prospective buyers of a given property of the zoning of said property. Mr. Myers did not have information on this. Mr. Zangerl furthered that he would be in support of a stipulation that realtors must inform prospective buyers of the zoning of a given property within the City of Urbana.

Mr. Shepard expressed his support for having information on record regarding the rules and regulations of historically designated properties so that prospective buyers could be informed of such and so that said information would be indisputable with regard to said rules and regulations. Mr. Myers agreed that this might be a viable option, but he did want to note for the record that the current property owner was aware of the historic designation of the subject house in this case before she purchased it. The City should do its part in educating the public on the rules and regulations of historically designated properties, but buyers also have some responsibility to find out about restrictions on properties. For instance, a property owner has to abide by zoning laws even if they weren't aware of those laws at the time of the purchase of the property, said Mr. Myers.

Ms. Novak commented that there was a great amount of publicity on the historic landmark designation of the subject property in this case and that it was realtor-listed as a local historic landmark when it was for sale. She stated her feeling that it might be difficult for a property owner to relate to the rules and regulations of historic landmark designation until that property owner has to follow them, such as in this case. She stated that each case is different and because of this, the Commission cannot, for example, refuse to allow window replacement in historically designated properties altogether but rather, each case must be interpreted individually using the adopted standards. Additionally, she stated that windows are a very significant aspect of a number of different historic properties and that the uniqueness of the windows in the subject house of this case represent a very high portion of the façade of the house. As the windows are a critical historic feature of the house, Ms. Novak stated that she would not support replacing any of the historic wooden windows that exist in the house. Lastly, she congratulated staff on an excellent staff report.

Mr. Zangerl made a motion that the Commission defer a decision on this case until a future date. He stated that he is not opposed to doing so and thus made the motion.

There was then discussion as to whether a deferral of said decision was appropriate at this point. Mr. Myers stated that at the request of the applicant, the case could be deferred indefinitely, however if the Commission chose to defer a decision and the applicant disagrees with said deferral, then City staff and the Commission would have due-process time limits on deferral. Ms. Novak asked if any miscommunication would be possible if a decision was deferred and further stated that even if the Commission were to vote on the case at this point, the applicant for a Certificate of Appropriateness could still return to the Commission with another application for such.

No second was received for Mr. Zangerl's motion.

Mr. Dossett made a motion that the Commission deny the applicant's request for a Certificate of Appropriateness for the property at 108 West Oregon Street in Urbana. Ms. Novak seconded the motion with a request for clarification from Mr. Myers as to whether or not the applicant could return to the Commission with a modified or completely new application for a Certificate of Appropriateness if the current application were to be denied. Mr. Myers responded that the applicant could return to the Commission with a new application.

Mr. Dossett commented that the application looked as though it had been done hastily and suggested that City staff could assist the applicant in producing another application, if such would be so desired. Mr. Shepard stated that he would support deferring Commission action on this case until a later date. Mr. Myers suggested that another option for the Commission would be to vote to approve replacement of windows in the 1968 addition to the subject house as recommended in the staff report so that the applicant could proceed with work on this portion of the house, as a concern of the applicant was having the work completed before the onset of cold weather. Mr. Zangerl stated that he was uncomfortable with deferring Commission action indefinitely due to concerns regarding the timeline in which the Commission has to act according to City ordinance. He was unsure as to whether or not City ordinance made allowances for deferrals suggested by the applicant, as opposed to deferrals imposed by the Commission. Time constraints, he suggested, could compromise the Commission's ability to take proper action in this case. Without a clear understanding of the legal implications of a deferral of this case, he stated that he was reluctant to grant a delay of action in this case for an uncertain period of time. Additionally, he suggested that it might be beneficial to the applicant to have some guidance from City staff on what they would be permitted to do with regards to their request. Ms. Novak expressed concern over the Commission taking any action that could be misconstrued as a miscommunication on the part of the same. She was in favor of making it clear in official Commission action that the petition for replacement of the original wooden windows was being denied. In approving only the replacement of the windows in the 1968 addition to the subject house, however, she suggested that doing so would be, in effect, amending the applicant's original application. She questioned whether the applicant would, in this case, be given a Certificate of Appropriateness for replacing only the windows in the 1968 addition of the house, with specifics on the number of windows that could be replaced and all other stipulations of such a Certificate being set forth in detail. Mr. Myers answered in the affirmative. Mr. Cahill then suggested that the Commission vote for complete denial of the applicant's request as presented, further suggesting that the applicant be advised to return to the Commission with a new application for Certificate of Appropriateness if the applicant so desires.

At this point, Ms. Novak withdrew her second to Mr. Dossett's earlier motion that the application for Certificate of Appropriateness before the Commission be denied. Mr. Dossett did not withdraw his motion and no other member of the Commission replaced Ms. Novak's second to the same.

Ms. Novak then made a motion that the Commission grant a Certificate of Appropriateness to allow replacement of only those windows in the 1968 addition to the subject house as per staff recommendation and that the letter granting the Certificate specify the retention of the current window openings in the wall. Mr. Zangerl seconded the motion.

A question was raised at this point from the audience if it would also be appropriate to request in the granting of any partial Certificate of Appropriateness that the owner of the property replace the windows in the 1968 addition of the house in a manner that is respectful of the design of the wooden windows in the original portion of the house. Mr. Zangerl responded that the openings for the windows in the 1968 addition are not the same as those of the windows in the original portion of the house and that matching the style of the former with that of the latter would be nearly impossible. The audience member then suggested that sills or headers be added to the replacement windows in the 1968 addition to be compatible with the style of the window sills and lintels in the original portion of the house. Ms. Novak responded that ten standards set forth by the Secretary of the Interior for historic preservation include that it is better to repair than to replace (a window, in this case) and that a "false sense of time" should not be constructed, which such new sills or headers

would do. On the matter of the motion on the floor, as set forth by Ms. Novak and seconded by Mr. Zangerl, a roll call was taken and the Commission voted as follows:

Mr. Cahill: Yes
Ms. Couch: Yes
Mr. Dossett: No

Ms. Novak: Yes
Mr. Shepard: Yes
Mr. Zangerl: Yes

The motion carried by a vote of five to one in favor of granting to the applicant a Certificate of Appropriateness to allow replacement of only those windows in the 1968 addition to the subject house as per staff recommendation and that the letter granting the Certificate specify the retention of the currently extant fenestration openings.

9. NEW BUSINESS

There was none.

10. MONITORING OF HISTORIC PROPERTIES

Mr. Cahill cited an article in the October 3, 2006 issue of the Daily Illini regarding Lincoln Hall on the University of Illinois campus. The commentary stated, in summary, it would be better to tear down the existing Lincoln Hall and rebuild as opposed to restoring or renovating the existing building. He expressed his feeling that more of an effort needs to be made in regards to education of preserving historic structures.

11. STAFF REPORT

Mr. Myers announced that Lincoln Square Village is now on the National Register of Historic Places, which will allow them to take advantage of Federal tax credits to offset some of the costs of rehabilitation. He also announced that staff had received a call in regards to the replacement of a porch roof on a local historic property and that staff had driven by the property. No changes had taken place. An application for a Certificate of Appropriateness had been sent to the property owner and it was asked of the owner that any changes be first approved by the Commission.

12. STUDY SESSION

There was none.

13. ANNOUNCEMENTS

Ms. Novak announced that on Friday, October 6, 2006, David Ballman, President of Landmarks Illinois, formerly Landmarks Preservation Council of Illinois, would be speaking at the gallery of Temple Buell Hall at the University of Illinois at noon with regard to the University and historic buildings on campus. All are welcome to attend.

Mr. Cahill announced that on Sunday, October 15, 2006, there would be a walking tour of West Urbana. He stated that there would be 12 to 14 houses on the tour, including the Lindley House, Buena Vista Court, and a large portion of the 800 block of West Main Street, which has the potential of being designated an historic district. It was announced that those wishing to volunteer

could call the PACA office at 359-7222; there would be no cost for attendance for volunteers, while the cost for PACA members to attend would be \$5 and for other members of the public, \$10.

14. ADJOURNMENT

Mr. Zangerl moved to adjourn the meeting. Mr. Cahill seconded the motion. The meeting was adjourned by Ms. Novak at 8:25 p.m.

Submitted,

Robert Myers, Planning Division Manager