



Legislation Details (With Text)

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**Title:** Consider the petitioner’s request to appeal the Historic Preservation Commission’s decision regarding COA #19-402 for the subject property located at 26 N. Sleight

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Letter Requesting Appeal, 2. Application, 3. Sellers affidavit, 4. Cost Estimate - Craftstone Architects, Inc., 5. Cost Estimate- DJK Custom Homes, 6. Historic Survey, 7. Project Description, 8. Proposed Residence Plans, 9. Response to Factors For Consideration, 10. Sleight-Franklin Views, 11. Structural Analyses, 12. Surrounding Homes View, 13. Public Comment, 14. HPC 3-21-2019 Meeting Minutes- DRAFT

Date	Ver.	Action By	Action	Result
4/16/2019	1	City Council	approved	Pass

**CITY COUNCIL AGENDA ITEM**

**ACTION REQUESTED:**

Consider the petitioner’s request to appeal the Historic Preservation Commission’s decision regarding COA #19-402 for the subject property located at 26 N. Sleight

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Gabrielle Mattingly

**BOARD/COMMISSION REVIEW:**

The Historic Preservation Commission reviewed COA #19-402 at their meeting held on March 21, 2019. The HPC vote ended in a tie, resulting in no recommendation (vote: 4 in favor; 4 against).

**BACKGROUND:**

The applicant, DJK Custom Homes, Inc., on behalf of the potential homeowners, Christopher and Mary Anne Yep, submitted a Certificate of Appropriate (COA) request for the property located on the corner of Sleight Street and Franklin Avenue with a common address of 26 N. Sleight. The COA is requested to demolish the existing single family residential home and construct a new single family residential home in its place. The subject property is approximately 9,693 square feet and is currently zoned R2 (Single-Family and Low Density Multiple-Family Residence District). The existing home is a 2 story, Gable Front architectural style residential home. According to the historic survey conducted in 2008, the property is classified as a contributing structure. Staff has one COA on record for the property (COA #18-3316); this COA was also a request to demolish the existing single-family home. However, prior to review of the COA, the applicants choose not to pursue the project and withdrew their request.

The City of Naperville Municipal Code Section 6-11-8:2.11 and Section 6-11-8:2.8, requires a COA, subject to Historic Preservation Commission (HPC) approval, for demolition of a principal structure and for review of the primary façade of any new principal structure.

## **DISCUSSION:**

### ***Historic Preservation Commission Review***

A Certificate of Appropriateness (COA) request for the demolition of the existing structure and review of the primary façade of a proposed single-family home was reviewed by the Historic Preservation Commission (HPC) on March 21, 2019 for the subject property located at 26 N. Sleight Street (COA #19-402). The HPC voted on the request for demolition, which ended in a tie vote, resulting in no recommendation (vote: 4 in favor; 4 against). The HPC voted to table the request for construction of the single family home (approved 8,0).

### ***Request to Appeal***

Following the meeting, the petitioners indicated that they would like to seek an appeal to the HPC's tie vote given they would like to move forward with the proposed demolition.

Per Section 6-11-8:4.4.6 (Certificate of Appropriateness Required: Decision Rendered) of the Naperville Municipal Code, the Commission's recommendation is final unless the applicant wishes to appeal the decision. Per Section 6-11-8:4.6 (Appeals to City Council), the Commission's findings of fact and meeting minutes related to the appealed case shall be forwarded to the City Council. Upon consideration of these materials, the City Council shall make the final determination as to whether the COA is approved or denied.

### **HPC Findings of Fact**

Section 6-11-8:5 of the City's Code (Certificate of Appropriateness Required) establishes the factors for consideration of a COA application. Based on the discussion held at the meeting, a summary of the Commission's findings to each of the factors for consideration of a COA application has been provided below. In addition to the findings, a draft of the meeting minutes can be found in the attachments.

### **Factors for Consideration of a Certificate of Appropriateness Application:**

5.1. Compatibility With District Character: The Commission and Zoning Administrator shall consider the compatibility of the proposed improvement with the character of the historic district in terms of scale, style, exterior features, building placement and site access, as related to the primary facade (s), in rendering a decision to grant or deny a Certificate of Appropriateness.

*Analysis: Those supporting demolition of the home found the home to be beyond repair and no longer compatible with the district character. Those opposed to the demolition found rehabilitation to be a viable option for the property finding it to be the best way to maintain district compatibility.*

5.2. Compatibility With Architectural Style: The Commission and Zoning Administrator shall consider the compatibility of the proposed improvement with the historic architectural style of the building or structure to be modified by the Certificate of Appropriateness request.

*Analysis: Those supporting demolition of the home raised concern that the architectural integrity would be lost during rehabilitation. Those opposed to demolition found the home could be repaired to its original style.*

5.3. Economic Reasonableness: The Commission and the Zoning Administrator shall consider the

economic reasonableness of any recommended changes determined to be necessary to bring the application into conformity with the character of the historic district.

*Analysis: Those supporting demolition of the home found the cost estimation of the repairs to be accurate and that demolition is more cost effective. Those opposed to the demolition found the cost of repairs provided were not proportional to the number of repairs required for rehabilitation, believing repairing the building would be less expensive and others found the costs were reasonable given the number of repairs required to rehab the home and the overall expensive nature of the historic district.*

5.4. Energy Conservation Effect: In making its determinations, the Commission and Zoning Administrator shall consider the effect that any recommended changes may have on energy conservation.

*Analysis: The energy conservation effect is not applicable to the request for demolition.*

5.5. Application Of Regulations: The Commission and Zoning Administrator shall not impose specific regulations, limitations, or restrictions as to the height and bulk of buildings, or the area of yards or setbacks, or other open spaces, density of population, land use, or location of buildings designed for conditional uses except as applicable for compliance with the underlying zoning district.

5.5.1. The Commission however, may consider the height and bulk of buildings and area of yards or setbacks within the context of existing neighborhoods in making its determinations. The Commission shall be permitted to deny a Certificate of Appropriateness on the basis of height and bulk of buildings and the area of yards or setbacks only upon finding that the approval of such a request would be detrimental to the existing or historical character of its surrounding neighborhood. The Commission may adopt procedural rules concerning the type of information that it considers necessary to make such a finding.

5.5.2. The Commission's consideration of height and bulk of buildings and area of yards or setbacks shall not exempt the applicant from compliance with the provisions of this [Title 6 <https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?nodeId=TIT6ZORE>](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE) (Zoning Regulations).

*Analysis: The application of regulations is not applicable to the request for demolition.*

5.6. The City's Historic Building Design and Resource Manual may be used as a resource in consideration of the above.

*Analysis: Those supporting demolition found the repairs could not be made in accordance with the guidelines for rehabilitation as stated in the manual and found the demolition request to be reasonable. Those opposed to demolition found the home could be repaired in accordance to the guidelines.*

### **Proposed Home**

Along with the request for demolition, the petitioner requested approval for construction of a new single family home (renderings attached). The HPC voted to table this request. Should City Council approve the requested demolition, the petitioner will need to return to the Historic Preservation Commission for review of the COA related to the new construction request.

### **Code Enforcement**

For reference, in May of 2015, City of Naperville Code Enforcement Officers assessed the interior of 26 N. Sleight Street as requested by the City of Naperville Police Department social worker. Upon inspection, the interior was found to be uninhabitable due to the unsanitary condition found inside of the house per the requirements of the International Property Maintenance Code, Section 305.1 (adopted under City of Naperville Municipal Code 5-1H-1). A "Not Approved for Occupancy" placard

was posted on all doors of the house. Since 2015, the house has not been occupied.

**Option A:** If the City Council concurs with the petitioner to appeal the decision made by the Historic Preservation Commission, the Council shall make a motion to approve the COA #19-402 request for demolition of the existing structure at 26 N. Sleight.

**Option B:** If the City Council concurs with the HPC, the Council shall make a motion to deny COA #19-402 request for demolition of the existing structure at 26 N. Sleight.

**Key Takeaways**

- The petitioner, DJK Custom Homes, Inc. has submitted COA #19-402 in order to demolish the existing single family home and construct a new single family home at 26 N. Sleight.
- The Historic Preservation reviewed COA #19-402 at their meeting held on March 21, 2019. The HPC took a vote on the request for demolition which resulted in no recommendation (vote: 4 in favor; 4 against). The HPC voted to table the request for construction on the single family home (approved 8,0).
- In accordance with Section 6-11-8: 4.6 (Appeals to City Council) of the Municipal Code, the petitioner has requested to appeal the decision made by the HPC for COA #19-402.

**FISCAL IMPACT:**

N/A