

MINUTES OF A REGULAR MEETING

HISTORIC PRESERVATION COMMISSION

FINAL

DATE: October 29, 2001

TIME: 7:00 p.m.

PLACE: Council Chambers, 400 South Vine Street, Urbana, Illinois 61801

MEMBERS PRESENT: Mr. Cahill, Ms. Irish, Ms. Novak, Mr. Rose
Mr. Shepard, Mr. Zangerl

MEMBERS EXCUSED: Ms. Cardman

STAFF PRESENT: Rob Kowalski, Senior Planner; Libby Tyler, Planning
Manager

OTHERS PRESENT: Bette Anderson, Ruth Aydt, David Barber, Linda Berent,
Gerald Brighton, Charles Dold, Kate Hunter, Doug Kibbee,
Robert Nemeth, Milton Otto, Esther Patt, Ann Wymore

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

Urbana Historic Preservation Commission Chairperson, Ms. Novak, called the meeting to order at 7:00 p.m. The roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

There was none.

3. APPROVAL OF MINUTES

Ms. Irish moved to approve the amended minutes. Mr. Rose seconded the motion. The minutes were approved by unanimous vote.

4. WRITTEN COMMUNICATIONS

There were none.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

HP-01-HDD-1; Nomination request of the “Joseph Royer Historic District” filed by the Preservation and Conservation Association (PACA). Property consisting of 801 West Oregon and 701 South Busey Avenue.

Staff Report

Rob Kowalski, Senior Planner, presented the staff report. He gave a meticulous introduction and background by showing exhibits of the detailed features of the structure at 801 West Oregon Avenue. He gave a brief history of the two architectural styles used to design these structures, which are the Mission Style and the English Arts and Crafts Style.

Mr. Kowalski commented on the status of the structure at 801 West Oregon Avenue. The property is currently owned by the Theta Club. In June, there was a fire in the house. As a result, the house has been vacant since then. He presented exhibits showing some of the minor maintenance issues, such as the fascia rotting from water over the years and the windowpane seals rotting and needing to be replaced. Overall, the house is structurally sound. He added that the biggest issue is the roof, which was damaged during the fire.

After that, Mr. Kowalski described in great detail the features of the structure at 701 West Busey Avenue, which is also known as the “Ella Danely Cottage” or “Mother-in-Law Cottage”, because Joseph Royer designed this house for his mother-in-law, Ella Danely. This property is owner occupied. He added that the structure is in excellent condition and well maintained.

Next, Mr. Kowalski gave a biography of Joseph Royer’s life. Joseph Royer is Urbana’s most noted and recognized architect. Mr. Kowalski mentioned other structures, which Joseph Royer had designed, such as the Urbana Free Library, Urbana Flat Iron Building, among others.

Mr. Kowalski reviewed the criteria for considering a proposed historic district according to Section XII-4-C-1 of the Urbana Zoning Ordinance. That criteria is as follows:

1. *A significant number of buildings, structures, sites or objects meeting any of the standards in Section XII-5-C-1.*
2. *An area containing a contiguous grouping of properties having a sense of cohesiveness expressed through a style, period or method of construction.*

3. *An area of sufficient historical integrity to convey a sense of historical time and place.*

Subsequently, Mr. Kowalski then reviewed the standards of Section XII-5-C-1 regarding landmark criteria. That criteria is as follows:

- a. *Significant value as part of the architectural, artistic, civic, cultural, economic, educational, ethnic, political or social heritage of the nation, state, or community.*
- b. *Associated with an important person or event in national, state or local history.*
- c. *Representative of the distinguishing characteristics of an architectural type inherently valuable for the study of a period, style, craftsmanship, method of construction or use of indigenous materials and which retains a high degree of integrity.*
- d. *Notable work of a master builder, designer, architect or artist whose individual genius has influenced an area.*
- e. *Identifiable as an established and familiar visual feature in the community owing to its unique location or physical characteristics.*
- f. *Character as a particularly fine or unique example of a utilitarian structure, including, but not limited to, farmhouses, gas stations or other commercial structures with a high level or integrity or architectural significance.*
- g. *Located in an area that has yielded, or may be likely to yield, information important in history or prehistory.*

Mr. Kowalski summarized the staff findings. Staff concluded that the request met all three of the criteria for Section XII-4-C-1 and a through e of Section XII-5-C-1 of the Urbana Zoning Ordinance. He read the options of the Urbana Historic Preservation Commission for recommendation to the City Council. He stated that based on the summary of findings, staff recommended that the Historic Preservation Commission forward the nomination of the "Joseph Royer Historic District" to the Urbana City Council with a recommendation for approval.

Finally, Mr. Kowalski talked about the fire damage to the roof of the structure at 801 West Oregon Avenue. He commented that the Theta Club currently has the house listed for sale. There are a couple of potential buyers, who are interested in the house depending on how the roof has to be repaired. It is a clay tile roof, probably original. After the preliminary determination was made by the Urbana Historic Preservation Commission on October 3, 2001, under the ordinance, any changes to the exterior of the building requires a "Certificate of Appropriateness".

The Theta Club has submitted a Certificate of Appropriateness, requesting that an asphalt-shingled roof be allowed. Staff is in the process of advertising for that public hearing and will be scheduled for November 2001. After talking with Jack Waaler, City of Urbana Attorney, it was agreed that the Urbana Historic Preservation Commission could have some preliminary discussion on the roof at this meeting. Mr. Kowalski recommended keeping the issue of the consideration of whether the two properties should be a district and the issue of how to repair the roof separate from each other.

Presentation of the Nominator

Robert Nemeth spoke on behalf of Karen Kummer, President of PACA who made this nomination. He mentioned that he is a local architect. He grew up in Urbana living close to the house being considered for historical status. He recalled always being charmed by the houses, and that the houses struck him as being something out of a fairy tale.

Mr. Nemeth commented that over the past twenty-five years, he had witnessed many charming properties disappear. The progression from those properties usually started with absentee landlords, on to neglect of the properties, and culminated with the demolishing of the formerly stately buildings and construction of large apartment buildings having no architectural significance. Mr. Nemeth added that there are less and less of these properties remaining, and that these properties are links to our past.

Mr. Nemeth mentioned that if restrictions are imposed on these properties, then these properties may no longer appeal to developers. However, the building could still be used as a rooming house or returned to a single-family home. Finding the right buyer may take time and patience.

Mr. Nemeth felt that due to the buildings' architectural significance and Mr. Royer's significance to the community, the two properties should be designated as a historical district. If so designated, the two buildings would continue to grace this neighborhood with their beauty.

Presentation of the Owners of the Properties

Dr. Linda Berent, Secretary of the Theta Club, stated that it is painful to sell the house. The Theta Club has owned the house for thirty-two years. PACA talked about their fear that the house would be demolished or lose its charm. According to Mr. Kowalski, the lot would not be suitable for an apartment building. Mr. Kowalski commented that the lot was not zoned for an apartment building use. Therefore, the house could not be demolished and replaced with a multi-unit apartment building. Ms. Berent commented that PACA never approached the Theta Club about their fears.

Ms. Berent stated that the Theta Club had a contract to sell the house. However, the buyer backed out of the sale, because of the uncertainty of what the Urbana Historic Preservation Commission will decide about the historical status of the house. The house needs to be repaired because of the fire. Potential buyers do not know how they would have to make those repairs. Therefore, the Theta Club cannot successfully sell the house.

Ms. Berent felt that if the Urbana Historic Preservation Commission creates this historical district of two houses, a message would be sent to future homebuyers in Urbana not to buy older homes. If the same architect builds two neighboring houses, then one neighbor could request a historical status to prevent the other neighbor from doing what he/she wanted with the property.

Ms. Berent also felt that it was inappropriate that PACA has no accountability. PACA wants these properties to become a historic district, but where is there financial responsibility in this? Why does

the Theta Club have the burden of the financial responsibility when they do not agree with the historical designation?

Dr. David Barber mentioned that he lived at 801 West Oregon Avenue for four years and was the House Manager. He agreed with Dr. Berent's testimony. He stated that the Theta Club was not against the preservation of the house. The Theta Club did their best as an organization to preserve the house within the resources that they were able to gather. During the thirty-two years while the Theta Club has owned the house, no one and/or organization offered to help preserve the house. It was not until the Theta Club decided to sell the house, that PACA nominated the two properties to become a historical district and imposed a substantial financial obstacle to keep the Theta Club from selling the house.

Dr. Barber commented that it was painful to have PACA's will imposed on the Theta Club without PACA having any accountability to the financial hardship created by that will.

Dr. Barber questioned if two properties were significant enough to be a historic district? If it were, then maybe one property would be a significant number for a historic neighborhood.

Dr. Barber asked if this would be a precedent to set with half of the neighborhood objects to making this a historical neighborhood? In this country, we try to go by Democratic principles. Another principle being violated is the right of the property owner.

Ms. Novak asked Dr. Barber to clarify his role. She asked if he was on the Board of Directors of the Theta Chapter? Dr. Barber stated that was correct.

Ann Wymore, owner of 701 South Busey Avenue, stated that she bought the house about seven and a half years ago from Mrs. Sinclair. Dr. and Mrs. Sinclair lived in the house at 801 West Oregon Avenue as a family and rented out the house that Ms. Wymore now owns. Dr. Sinclair had been a professor of the Veterinary Department at the University of Illinois. When the Sinclairs had finished raising their children, they deeded the big house to the Theta Club, which is a veterinary medical fraternity.

Ms. Wymore commented that Dr. Barber presented a compelling argument. She believed that the Urbana Historic Preservation Commission needed to sort out what the rights of property owners were based on economic interests versus larger values regarding the community. She added that she was in favor of the houses being designated as a historic district. It would help preserve the characteristic of the neighborhood and of the City of Urbana.

Presentations of Proponents

Doug Kibbee, of 607 West Oregon Avenue, stated he was puzzled by the testimony of the representatives of the Theta Club. He was assured by the realtor, that was hired by the Theta Club, that there was not only one offer "waiting in hand", but other offers that were "waiting in the wings". With having multiple interested buyers of the house at 801 West Oregon Avenue, it takes away from the testimony of financial hardship to repair the house.

Ruth Aydt, of 611 West Ohio Street, stated that she was in favor of the historical designation. One of her main concerns is although the zoning prohibits an apartment building going in, it would not prohibit the current house being torn down and replaced with an unsuitable or unattractive boarding house.

Charles Dold, of 708 South Busey, lives across the street from the two properties. The vet med students were good neighbors. His family moved in the neighborhood in 1965 and is still considered “the new kids on the block”. He was concerned with parking and the deterioration of the property at 801 West Oregon Avenue. He felt that the houses add character and continuity to the neighborhood.

Bette Anderson, of 713 West Oregon Avenue, mentioned that her family had to apply for permission to change variances when her family rehabbed her house. It took a lot of money, time, and energy. It was stressful on her family and the neighbors. Over the last five years, there have been substantial improvements in the neighborhood. She supported the historical district. These are beautiful homes in this neighborhood, which cannot be reproduced.

Kate Hunter, of 510 West Oregon Avenue, supported the historical district. She has lived in the neighborhood for twenty-five years. As far as the stewardship of the property, the neighbors felt comfortable with the vet med students.

Dr. Berent re-approached the Urbana Historic Preservation Commission to clarify a few misleading statements that she had heard during other people’s testimonies. She stated that the Theta Club purchased the house from the Sinclairs. The house was not deeded or donated to the Theta Club. As far as the hearsay from the realtor regarding other interested buyers, Ms. Berent commented that it was true. However, all offers from any interested buyers were contingent on the outcome of this meeting. No one was willing to buy the house without knowing what will be expected or required when repairing or making changes. Finally, Ms. Berent felt there was an unfair statement about the buyers who are concerned about the outcome of this meeting are not interested in being responsible neighbors. She felt that the interested buyers are just concerned about being able to maintain the property without going bankrupt.

Dr. Barber re-approached the Commission. He noted that the neighbors commented on how devoted they are to the neighborhood and how the neighborhood has improved over the last few years. Yet, those neighbors assume that the interested buyers would not be similarly devoted.

Mr. Dold stated, in response to Dr. Barber’s last comment, that the neighborhood does not want to take the chance. There are several examples of whole neighborhoods being destroyed by over-occupied rentals. It may be that the potential buyers are interested in maintaining the property the way the property currently is. History tells them that this is not frequently the case.

Urbana Historic Preservation Commission Discussion

Mr. Kowalski clarified that 801 West Oregon Avenue was zoned R-7, University Residential. Multi-family apartment buildings would not be permitted by right in that zone. However, they would be allowed with a special use permit.

Ms. Novak reminded the commissioners that it was the charge of the Urbana Historic Preservation Commission to determine whether any of the criteria have been met.

Mr. Zangerl clarified that there was nothing about the designation of these properties that in any way controls who could own that property in the future. The other thing is that along with the designation would come some potential benefits. An owner, depending on what they plan to do and if they are willing to undertake that roof repair and the substitute repairs required in the house, can get either tax breaks from the federal government or they may qualify for a property tax freeze at the state level. Ms. Novak added that the Federal Income Tax Credit would only apply to income producing properties (anything but owner-occupied). The State Tax Freeze would apply to only owner-occupied or up to six units. If the owner occupies one of the six units, then the owner would still qualify.

Mr. Shepard commented that the Urbana Historic Preservation Commission needed to make a decision based on the criteria and not on personal preference.

Mr. Zangerl felt that the district conforms to the most of the criteria of Section XII-5-C-1. He discussed them individually, which was as follows:

- 1 – a.** Although there were only two properties, those properties showed significant value as part of the architectural heritage of the community.
- 1 – c.** The buildings represent distinguishing characteristics of two architectural styles, which are the English Arts and Crafts style and the Mission style.
- 1 – d.** The buildings on both properties are notable works of a master architect; whose individual genius has influenced this area.

Mr. Zangerl also commented on Criteria 2 of Section XII-4-C-1. He felt that a case could be made regarding a contiguous grouping of these properties having a sense of cohesiveness expressed for that period and the method of construction. Mr. Zangerl was not unsure about associating Joseph Royer with being an important person in local history. He wanted to hear what the other commissioner's had to say in regards to this.

Ms. Irish stated that in regards to 1 – b, Mr. Royer built the house at 801 West Oregon Avenue in the beginning of his career. In terms of local and regional history, she felt that this house was significant. The second oldest architectural school in the country is located in Urbana. Joseph Royer was part of that community. It seemed arguable that as a prolific and competent architect, this would make Joseph Royer an important person. Ms. Novak agreed with Ms. Irish.

In regards to Criteria 3 of Section XII-4-C-1 of the Zoning Ordinance, Mr. Rose commented that this district of two houses engages the street. There is magnetism between these unequal pieces of property in the courtyard that appears “magical”. It also relates directly to the street. It does not belong only to the owners of the property, and creates a strong street presence.

Mr. Shepard added that in today’s development, it would not be allowed to build two houses on the same lot, which these two lots were at one time. There is a feeling of these properties being a distinct area all on its own.

In regards to Criteria 2 of Section XII-4-C-1 of the Zoning Ordinance, Mr. Rose stated that the term “craftsmanship” often is reflected as the style. There is a message in historic preservation itself that says, “*craftsmanship in a building and the history of the trades needs to be preserved*”. He saw preservation in the buildings as examples of buildings deserving to be preserved as serving a social function in addition to an aesthetic function. Mr. Shepard felt that the two homes met the criteria and should be considered a district.

Ms. Novak commented that “Historic District” status is equal to “Historic Landmark” status in the community. There are no differences in any regulations that pertain to contributing buildings in historic district versus individual historic landmarks. Because this was a unique situation in which there are two properties that relate to each other but are two distinctive separate parcels, the choice was made to approach this as a historic district.

Mr. Zangerl moved to recommend approval of this district based on the following criteria:

- ✓ Under the Historic District criteria, Items 1, 2, 3.
- ✓ Under the Landmark District criteria, Items 1 – a, 1 – b, 1 – c, and 1 – d.

Mr. Shepard seconded the motion.

Ms. Irish commented that Item 1 – e should be added. In regards to an earlier comment by Mr. Rose, she agreed that the two houses engage the street and draws people’s attention, which would qualify as unique physical characteristics. Mr. Zangerl agreed. He mentioned that the Mission style of the design of the house at 801 West Oregon Avenue is characterized by particular identifiable features. He stated that he would like to amend the motion to include Item 1 – e of the Landmark District criteria. Mr. Shepard replied that would be satisfactory. The roll call was as follows:

Mr. Cahill	-	Abstain	Ms. Irish	-	Yes
Ms. Novak	-	Yes	Mr. Rose	-	Yes
Mr. Rose	-	Yes	Mr. Shepard	-	Yes
Mr. Zangerl	-	Yes			

The motion was passed by unanimous vote. Mr. Cahill stated that he felt he should abstain because he is on the Board of Directors for PACA.

Ms. Novak reiterated the process by saying that the Urbana Historic Preservation Commission made a recommendation that would go to the Urbana City Council in November. Because of the status of Historic District and the fact that there are only two property owners, Preservation Ordinance requires that there would have to be a super-majority vote to approve the Historic District at the City Council level. Mr. Kowalski added that this case would go before the City Council on November 19, 2001.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. MONITORING OF HISTORIC PROPERTIES

There was none.

11. STAFF REPORT

Mr. Kowalski reported on the following:

12. STUDY SESSION

Roof Discussion for the Joseph Royer House at 801 West Oregon Avenue.

Mr. Rose commented that after looking at the roof of the house, he observed that there are two obvious holes that have been temporarily repaired. The overall condition of the roof is on the downhill slope.

13. ANNOUNCEMENTS

14. ADJOURNMENT

Ms. Irish motioned for adjournment, and Mr. Zangerl seconded the motion. The meeting was adjourned at 8:40 p.m. by unanimous vote.

Submitted,

Rob Kowalski, Secretary