EVANSTON PRESERVATION COMMISSION
Tuesday, January 14, 2020, 7:00 P.M.
Morton Civic Center, 2100 Ridge Avenue
Room 2800 James C. Lytle Council Chambers

MINUTES

Members Present:  Beth Bodan, Elliott Dudnik, Julie Hacker, Ken Itle, Jamie Morris, Suzi Reinhold, Mark Simon, Tim Schmitt, and Aleca Sullivan

Members Absent:  Robert Bady

Staff Present:  Scott Mangum, Planning & Zoning Manager
               Carlos Ruiz, Preservation Coordinator

Presiding Member:  Mark Simon, Chair

1. CALL TO ORDER / DECLARATION OF QUORUM

2. OLD BUSINESS

A. 1204 Sherman Avenue (L) — App. # 19PRES-245 — Judy and Achim Ashworth apply for a Certificate of Appropriateness to replace the existing double-hung wood windows (other window types include picture, awning and glass block windows) with double-hung PVC clad wood windows. The windows are visible from Sherman Avenue, and the alley at the rear, both public ways. Applicable standards: [Alteration 1-10] [Continued from 11/12/2019, and 12/10/2019] To be continued to February 11, 2020 at the request of the applicant

Commissioner Dudnik made a motion to continue 1204 Sherman Ave. to February 11, 2020, seconded by Commissioner Hacker. The motion passed. Vote: 9 ayes, 0 nays.


Joseph Balistreri presented the application as follows:
The proposed 2-story single family home with attached garage is Zoning compliant (lot coverage and setbacks)

The house is custom designed in the Prairie style.

The house size was reduced twice. The height is the same or less than of the surrounding houses (2350 Orrington Ave. is a smaller lot with a larger house)

The proposed lot coverage is 29% where 30% is allowed

The 2011 tree protection plan resolution 13-R-11 calls for three trees on the lot to remain if possible, two trees were to keep, and save the tree in the alley

A third party arborist, Nels Johnson, prepared a report to save at least one of the trees by not to root the tree, trim dead branches, and build a protective fence around it. The roots of the one tree likely extend all the way to the old Kendall College foundation. The Nels Johnson’s report says what tree would be possible to keep

They have complied with the Preservation Commission’s standards in terms of zoning, architectural style, size, lot coverage, and materials. They are saving two of three trees. They voluntarily will transplant new trees 6 to 10-inch in caliper to the City’s arborist preference

Discussion:

Commissioner Sullivan asked about cutting one of the trees and keeping the one stump. J. Balistrieri said that the tree stump will remain and will not be rooted

Hugh DuBose, Assistant City Attorney, said that he looked into the Preservation Ordinance and how trees fit into the standards the Commission can review. At the previous meeting, people pointed out to walls of continuity in section 2-8-9 (B) 9 of the Ordinance, the only section that mentions any kind of landscape masses. As written: "Walls of continuity. Facades and property and site structures, such as masonry walls, fences and landscape masses, shall, when it is a characteristic of the area, form cohesive walls of enclosure along a street, to ensure visual compatibility with the properties, structures, sites, public ways, objects and places to which such elements are visually related." The Ordinance defines structures as anything man-made; it does not refer to anything that is naturally growing. The current way the preservation code is written does not include trees, as something for the Commission to consider as part of standards 2-8-9 (B)

Chair Simon said that the tree ordinance restricts cutting down trees on lots of over two acres. He asked if there is a proposed law that is not in effect, that would change that. H. DuBose said the tree ordinance does apply to the new house because the original planned development is over two acres. Trees are important in Evanston; there is legislation that is being worked on by City staff. The Commission’s toolbox is what is currently in the Ordinance; it may be supplemented in a later date to introduce trees

Commissioner Hacker asked if the tree ordinance being worked on includes smaller lots. H. DuBose said, yes

Chair Simon said that the Commission gave an official statement for the City Council, supporting the re-examination of the tree ordinance. H. DuBose said the new tree ordinance incorporates heritage trees.
• Commissioner Dudnik asked if there is a location for replanting trees. H. DuBose said he believed that Paul D'Agostino (City’s Environmental Services Bureau Chief) has a list of sites for trees to be planted. J. Balistreri said they are complying with the tree ordinance by planting more substantial trees.

Public Comment:
• Jean Smiling Coyote said the problem is the political-economic power structure and the actions of people in both sectors to preserve the trees. She said she had plans for a small house on the lot
• Ted Sykes of 714 Lincoln St. said that the City planted the trees in the area. There is nothing more that defines the character of a neighborhood than old-growth trees. He strongly opposed cutting down a 300-year old tree. A smaller footprint for the new house would be more acceptable for the neighborhood
• Ada Yung said the old trees are irreplaceable. The developer was supposed to come back with a smaller plan, but nothing has changed. It is possible to keep the trees
• Leslie Shad said that in addition to landscape masses, which protect the trees, there is an agreement with the City to keep the trees. The tree to remain is in poor condition. The developer has not adjusted the footprint for the new house for the two trees to remain
• Nancy Wasielewski, of 2380 Orrington, said each house was supposed to have a distinctive style and color of brick, and have some kind of rhythm. She was concerned with the proposed bright red color for the house
• Ald. Fiske said that she is one of the five authors of the local and federal historic district (Northeast Evanston). The history of this location before anything was built was the trees. This is in the middle of an ancient Oak forest, that this neighborhood and historic district emerged. Including the importance of the streetscape, and the contribution that these trees make. One can still see the vestiges of the Oak trees forest and they are important. When considering the subdivision, there were no houses. The most valuable lot was this corner lot. Maybe it was a mistake of the City Council and her not to insist that this lot be developed first to protect the trees. There was not one instance in conversations with the developer that those trees should not be saved. She believes that landscape masses include trees and that these trees are extremely important and should be protected. She said that there could be a smaller house on the site. Also, the City Council is in support of a tree ordinance that is in the works.

Commission’s discussion:
• Commissioner Hacker said regarding landscape masses if trees are all in a row and make a strong wall; that perhaps could be interpreted as a landscape mass. In terms of the design sense and walls of continuity, these trees do not comprise that
• Commissioner Sullivan referred to the Preservation Ordinance statement of purpose: ‘safeguarding the City’s historic and cultural heritage as embodied and reflected in such district, sites, building structures and objects determined for designation…” She asked about ‘sites.’ H. DuBose said that the code section 2-8-9 (B) 9. Walls of continuity includes 'structures,' which is defined as to be something that is constructed or erected. Trees do not meet that definition.
Commissioner Sullivan referred to standard 5 (rhythm and spacing of structures on the streets…) shall be visually compatible with the property, structures, sites, public ways, objects and places to which is visually related. She noted that this structure is going up in a neighborhood and it is visually related to significant things in the neighborhood. Also, standard 11 (directional expression of facades) with the corner lot, the primary façade is in line with Orrington, and the secondary façade is on Lincoln, perhaps by keeping the rhythm of facades on Lincoln, it will give the trees more space.

Commissioner Dudnik said that standard 9 is associated with the notion of forming cohesive walls of enclosure, he was not sure if the two trees are part of a continuous wall. The long and narrow lots to maximizing the number of lots are a consequence of the subdivision. Regarding the comment from a citizen about color, he said that the Commission does not have purview on color.

Commissioner Hacker agreed with Commissioner Dudnik. She asked how narrow a new house would have to be to save the trees.

Chair Simon said that City Council passed a specific subdivision plat with specific provisions on trees, and simultaneously passed an ordinance that exempts out all lots under two acres. He thought that that balance needs to be changed because of the City's environmental awareness. In the future, there should be an ordinance that potentially restricts trees from being torn down, and the City Council will decide certain intrusions that might be merited on private landowners who want to cut down large trees. For heritage trees, there is a procedure in place like landmarking buildings. The City Council should pass an ordinance that has safeguards that are not available today. It is necessary to protect the mission of the Commission so that private rights are not taken away.

Commissioner Bodan referred to standard 5 (the rhythm of spacing and structures on streets) and said that she did not feel the proposed design adheres to standard 5, nor it adheres to the pattern of houses on Orrington Ave. and Lincoln St.

Commissioner Dudnik said that the discussion was focused on trees, but the Commission has to look at all the standards. The Commission has seen with other applications two-dimensional representations of a block with houses and was able to discuss the heights, facades, and the rhythm of the openings, etc. Regarding the application, except for two renderings barely showing Orrington Ave. and Lincoln St. he would not be able to discuss standards 1-6, 8, 10 and 11. With other applications, the Commission may be seeing adjoining houses down the block and around the corner. He asked what the relationship of those elements with this house is, which is a separate discussion from the trees. J. Balistreri said they comply with the setback requirements on Orrington Ave. They were asked to do a panned out version from Orrington to see the relation of the houses, the height, and depths. The spacing between those houses and the height of those houses is within inches and the spacing is the same setback that is required with the other houses. Same with the front yard and side yard on Orrington Ave. Same with Lincoln St. There is a mandatory setback from the alley, and the depth is the same setback that was required to the house right of the alley.

Commissioner Dudnik said he does not see a site plan of the entire site. Nor a drawing showing the adjoining lots in plan with buildings on them.
Regarding Commissioner Dudnik's previous comment, Commissioner Hacker said that each house is of a different style, and there is no consistent context.

Commissioner Dudnik said that for the other houses (with a previous developer) when evaluating two or three houses at a time, the Commission was evaluating them in relation to one another.

Chair Simon said that one can see the context by walking by the site and might be not necessary to ask for more drawings to show the context.

Commissioner Reinhold said that, back on May 14, 2019, there was discussion and comments about the scale of the house and why it was maximized to the building line. Based on standard 10, she thought that no effort was given to try to work with the scale and modify it to address the objects and the site and the character of the district. The house is the same scale, it still is the maximum building lot. This property is visually related to its site, which has objects and items that are on that site that it has to work with within. She did not have any issues with the design, but the scale of the house is too big for that site, and no effort was made to change the scale or work with the site.

**Commission's Findings:**

Commissioner Itle made a motion to issue a COA for the new construction house at 2390 Orrington Ave. Standards for construction 1-14, and 16 apply, seconded by Commissioner Dudnik. The motion failed. Vote: 2 ayes (Commissioner Itle and Chair Simon) and 7 nays.

Commissioner Reinhold said that standard 10 was a problem and it was stated previously on multiple occasions. Commissioner Bodan concurred with Commissioner Reinhold, she said that for standard 5, a corner lot requires such unique consideration for two views; the proposed house did not meet those standards. Commissioner Sullivan agreed that standards 5 and 10 were not met; she said standard 11 was not met because it is a corner lot. Commissioner Dudnik said standard 10 was problematic (it recognizes the size of the lot) he was bothered by the scale and massing of the structure, and how it was handled in terms of how it turns the corner.

**C. PUBLIC HEARING - 2404 RIDGE AVE. (L) App. # 19PRES-0266** - Chris Sweitzer, applicant, submits for a Certificate of Economic Hardship, following the Preservation Commission's denial on August 6, 2019, of a Certificate of Appropriateness for post-approval alterations to the barn at 2404 Ridge Ave, that the Commission had approved in 1997 and re-issued by City staff in 2000. The applicant claims that returning the barn back to the 1997/2000 approved alterations would result in economic hardship or the denial of all reasonable use of and return from the property. Applicable standard 2-8-10 (B). [Continued from 12/10/19 without discussion] To be continued to 2/11/2020 at the request of the applicant.

Commissioner Dudnik made a motion to continue the hearing for 2404 Ridge Ave. to February 11, 2020, seconded by Commissioner Bodan. The motion passed. Vote: 9 ayes, 0 nays.
3. NEW BUSINESS

A. 2138 Orrington Ave. Case # 19PRES-0281 - Garry Shumaker applies for a Certificate of Appropriateness to demolish an existing detached 2-car stucco garage and construct a new detached 2-car garage with brick and lap cedar siding exterior finish, gable roof with dormers on the east (front) and west (rear) elevations, aluminum-clad double-hung windows, clad garage door, and asphalt shingle roof. Applicable standards: [Construction 1-5, 7, 8, 10, 11, 13, 14 and 16]; and Demolition 1-6]

Gary Shumaker presented the application as follows:

- The existing deteriorating stucco garage is not original. The new garage is roughly in the same location as the existing garage, although slightly to the north and expanded for a mother in law suite/home office on the second floor. It is not and nor is intended to be a coach house.
- The proposed two-car garage has a single garage door and two dormers above connected with a pair of windows to create a sitting area inside. They are introducing similar crown moldings, gable ends and brackets that are taken from the existing house. Also, it has the same roof pitch from the existing house, and with an extended telescoping addition on the side, which creates an entrance for the second-floor space above and terrace doors to the garden, extending to the north.
- There is a shared driveway, so the view of the garage is from the alley and also from Orrington Ave. The entrance to the garage has been re-oriented for access to the back yard. A portion of the existing fence is being replaced, matching the existing picket fence. There is a board on board fence at the alley. The garage exterior materials are red brick to match the house and painted siding above.

Commission’s Questions/Comments:

- Commissioner Bodan asked if the access to the garage is only from the front driveway and if it is not touching the lot line. G. Shumaker said, yes
- Commissioner Dudnik asked about the garage’s smaller segment to the north. G. Shumaker said that the smaller segment with the dropped roof ridge is in keeping with the stylistic qualities of the period and style of this historic house

Commission’s Findings:
Commissioner Dudnik made a motion to issue COA for 2138 Orrington Ave. for demolition of an existing detached 2-car stucco garage and the construct a new detached 2-car garage with brick and cedar siding, gable roof with dormers on the east and west, and aluminum-clad double-hung windows, with a clad door, and an asphalt shingle roof. Applicable standards for construction 1-5, 7, 8, 10, 11, 13, 14 and 16 and for demolition 1-6 apply, seconded by Commissioner Bodan. The motion passed. Vote: 9 ayes, 0 nays

3. NEW BUSINESS

B. 612 Judson Ave. Case # 20PRES-0001 - Joel and Rada Portzer apply for a
Certificate of Appropriateness for the replacement of 21 existing double-hung wood windows (in different divided light configurations) with double-hung vinyl windows with grilles between the panes of glass (6 on the north side elevation; 13 on the south side elevation; and 2 on the west rear elevation. The front elevation wood windows on the east façade will remain. Applicable standards: [Alteration 1-10]

Rada Portzer presented the application as follows:

- They bought the house and had agreed to restore the wood windows
- While restoring the windows they found lead paint in the jams. They spent $16K trying to encapsulate the lead paint. However, it does not work on high friction areas. Her husband, Joel, has been exposed to lead paint dust poisoning
- They proposed to keep intact the six (6) front wood windows, with the interior “Indow Window” insert (to isolate the lead paint)
- They had unexpected significant expenses on things that did not appear in the inspection
- They proposed vinyl replacement windows, in black color to resemble aluminum-clad windows. The dimensions of the vinyl windows are close to the existing double-hung wood windows
- The windows on the east (front façade) are visible from the street, the oval window on the north and south side facades of the house are visible from the street, and the west rear façade is visible from the alley. The front east façade storms windows were restored. The north side façade oval window will remain. The south façade sunroom aluminum windows will remain.
- There is the option of interior grids for the proposed replacement windows (3/1, the number of lights per sash) common in Craftsman-style houses. The other option is no grids at all or keeping the existing window configurations as close as possible to the existing windows.

Commission’s comments/questions:

- Commissioner Hacker asked about the window muntins (grids). R. Portzer said the muntins are between the two panes of glass. Commissioner Hacker said there is a very different reading of a window with muntins between the glass because of the reflection. R. Portzer said that she would be willing to work with the Commission about the muntins since she does not have other choices. The proportions of the vinyl windows are very close to the existing windows
- Detail section of the proposed window and itemized cost
- Commissioner Schmitt asked about the selected replacement windows. R. Portzer said that it is the ClimateGuard Ultraview
- Custom sizes
- Commissioner Reinhold appreciated the window elevations provided with the application. She said that typically the Commission sees a section drawing of the existing window, showing the profiles of the window on the exterior. It would be helpful to see the profile of the replacement window, side by side with the existing
window, and with dimensions. Vinyl windows are not typically approved in a historic district. Aluminum clad wood windows would be approved

- Commissioner Hacker said that she understands the cost implications. For her, it is hard to approve vinyl windows, because it would set a precedent. The standards for review state: ‘repair, rather than replace, understanding it is costly and not always possible. Also, the grid inside will not look like what was there. She suggested encapsulating the lead particles with paint. R. Portzer said the house was severely neglected. She could not live in the house with dust flying and her toddler crawling into it. Her husband has lead in his system; he tested 4.2; one needs treatment at 5. They were told by the former owner and the realtor that they only have to keep the front windows. They paid 5,200K to have the windows mechanically repaired. The lead in the jams is something that cannot be get rid of. The lowest cost for aluminum-clad windows is 39,550K. They don't have that money.
- Commissioner Dudnik asked if the paint stripping contractor is complying with the EPA regulations. R. Portzer said, yes
- Commissioner Hacker said the longevity of vinyl windows is not good. The Commission cannot make decisions based on cost issues
- Commissioner Schmitt mentioned the Economic Hardship process
- Chair Simon said that Economic Hardship is when the denial of the COA resulted in the denial of all reasonable use and return from the property
- Commissioner Itle said that nowhere in the standards does it talk about cost. The economic hardship provision is in the ordinance if something is uneconomical and rendering a family home unfit for human habitation. He does not think that vinyl windows substituting for wood windows meet the standards. Nor putting a grid between the glass meets the standards in terms of recreating the appearance of a divided light historic window. The Commission insists on the applied exterior muntin grille to give that appearance. He also asked to reconsider the pattern of which window is divided in which way throughout. The front façade windows are the model, and that should be used going forward. The 3/1 muntin pattern is not appropriate. The 2/2 seems to be the historic model

**Commission’s discussion:**

- Chair Simon agreed with Commissioner Itle in terms of the special features of the wood windows. Considering the cost, the higher expectation for wood or clad wood windows seems extreme with the fact that the front elevation windows would be preserved and are the most visible willing to spend more money for historic preservation solution. He would reluctantly be willing to approve if the issues raised by Commissioner Itle were addressed
- Commissioner Hacker said that someone could claim in the future that the Commission accepted vinyl windows. Suddenly the quality of the house is diminished with replacement vinyl windows. The Commission is not supposed to look at the income of applicants when applying the standards
- Commissioner Sullivan was concerned about setting a precedent, notwithstanding the issue of lead paint. Accepting vinyl windows in historic districts would be a huge
precedent. As much as she understands and feels the predicament, she did think that it’s something the Commission could apply equally across, and make an objective decision

- Commissioner Schmitt said the Commission could not make an objective decision and there are no standards that speak to cost. The reason why the economic hardship provision exists
- Commissioner Dudnik referred to standard 10 because potentially the vinyl windows could be removed and replaced could be used as a rationale. Commissioner Hacker disagreed

Applicant’s comments:
- Rada Portzer said that aluminum-clad was approved at some point in time. She did not think that the vinyl window is visually different from an aluminum-clad window, as far as the frame is concerned. She was willing to leave out the muntins. There is a significant health risk to keeping the existing windows to two children and the family that are at risk for lead poisoning if the existing windows are kept. If she can’t replace the windows, she does not know how she could move her family into the home. There is a significant difference in adults living in the home and using the windows, and there is a significantly different situation when there are children living in the home. If the Commission says no, she does not have other alternatives
- In response to Commissioner Reinhold’s question about the side elevations and visibility of the windows, R. Portzer said that one can only see the front and a part of the south elevation. 15 windows are not visible from a public way, out of 24. Commissioner Hacker said that one can see the house obliquely, and that is considered seeing the house from the public way. Perhaps if they were discussing basement windows would be different. One can see the facades

Commission’s findings:
Commissioner Bodan said the standards allow the replacement of windows because there is a hazard and a dangerous condition. What she is having trouble is with the vinyl material. She understood the predicament because she went through the same four years ago. The standards require a certain product or a certain material to be used and the proposed vinyl windows do not meet that standard. She recommended considering a different strategy to meet the standards.

Commissioner Itle made a motion to issue a COA for 612 Judson Avenue for the replacement of twenty-one (21) existing double-hung windows with vinyl windows with grills between the panes of glass. Standards [of alteration] 1-10 are applicable, seconded by Commissioner Reinhold. The motion failed. Vote: 0 ayes, 9 nays.

The Commission determined that principally the following standards of alteration were not met, 2-8-9 (A):
Chair Simon: Standard 6. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new
material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other structures or objects.

Commissioner Itle: Standard 5 Distinctive stylistic features, materials, finishes, examples of skilled craftsmanship or examples of distinctive construction techniques that characterize a property, structure, site or object shall be treated with sensitivity.

Commissioner Bodan: The application meets standard 2. The distinguishing original qualities or character of a property, structure, site or object and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features shall be avoided whenever possible except when retention represents a hazardous or dangerous condition.


Commissioner Dudnik made a motion to approve the December 10, 2019 meeting minutes with two editorial changes from Commissioner Itle, seconded by Commissioner Sullivan. The motion passed. Vote: 8 ayes, 1 abstained (Hacker)

At this time Chair Simon acknowledge new Commissioner Beth Bodan. Commissioner Bodan has a background in house museum-quality projects.

5. STAFF REPORTS

A. Preservation and Sustainability Collaboration - Update

Commissioners Sullivan and Hacker reported that the working group (Utilities Commission, Sustainability Board and Preservation Commission representatives) met on December 19, 2019. Architect Nate Kipnis was the guest speaker. This was an introductory meeting. The next meeting is scheduled for January 16, 2020.

Commissioners Sullivan and Hacker recommended addressing this issue at the Commission's retreat to develop guidelines. Commissioner Sullivan noted that 14% of the building stock in Evanston is in a historic district or are designated landmarks.

B. Alderman Robin Rue Simmons, 5th Ward, referral to EPC to work on the 1995 initiative: “Preserving Integrity Through Culture and History” (PITCH) for cultural landmarking, honoring some businesses and other historically significant sites in the 5th Ward - Update
Chair Simon will visit the Shorefront Cultural Center on Saturday on January 11, 2020. The next group working meeting with Dino Robinson is scheduled on February 6, 2020, at 8 am at the Civic Center.

6. DISCUSSION (No vote will be taken)

A. 2020 Preservation Commission Retreat

Chair Simon said that the issues to be addressed at the retreat could be self-taught. Commissioners agreed that one of the topics for consideration should be window replacement.

The Commission’s retreat was scheduled on Friday, March 20, 2020, at 9 am.

7. ADJOURNMENT

Commissioner Itle made a motion to adjourn the meeting at 10 pm, on January 14, 2020, seconded by Commissioner Reinhold. The motion passed. Vote: 9 ayes, 0 nays.

Respectfully submitted,

Carlos D. Ruiz  
Senior Planner/Preservation Coordinator

Next Meeting: TUESDAY, February 11, 2020, at 7:00 P.M. (Subject to change)