

**VILLAGE OF LAKE BLUFF
ARCHITECTURAL BOARD OF REVIEW
REGULAR MEETING
NOVEMBER 6, 2018**

APPROVED MINUTES

1. Call to Order and Roll Call

The meeting of the Architectural Board of Review (ABR) of the Village of Lake Bluff was called to order on November 6, 2018 at 7:00 p.m. in the Village Hall Board Room (40 E. Center Avenue) and the following were present.

Present: Tim Callahan
 Neil Dahlmann
 Matthew Kerouac
 Carol Russ
 Julie Wehmeyer
 Bob Hunter, Chair

Absent: Edward Deegan

Also Present: Mike Croak, Building Codes Supervisor (BCS)
 Ben Schuster, Village Attorney
 Drew Irvin, Village Administrator (VA)

2. Consideration of the October 2, 2018 ABR Regular Meeting Minutes

Member Dahlmann moved to approve the minutes of the October 2, 2018 ABR meeting as presented. Member Russ seconded the motion. The motion passed on a unanimous voice vote.

3. Non-Agenda Items and Visitors (Public Comment Time)

Chair Hunter asked if anyone would like to address the ABR on any matter not on the agenda. There were no requests to address the ABR.

4. Discussion and Possible Decision of the Architectural Board of Review in the Appeal Regarding the Application for a Significant Demolition Permit for 419 East Prospect Avenue

Chair Hunter introduced the agenda item and asked Village Attorney Ben Schuster to explain why the ABR is considering the appeal.

Village Attorney Schuster stated on September 28, 2018 the owner of 419 East Prospect Avenue filed an application with the Village for a significant demolition permit application (Application) to demolish the home on the property. On that date the Building Commissioner determined that the Application was complete. On October 25, 2018, ten (10) Village residents (Appellants) who live near the property filed a joint appeal with the ABR challenging the Building Commissioner's determination, alleging that the Application was not complete. Pursuant to the Lake Bluff Municipal Code, Section 9-1-24.D the ABR hears appeals of determination of the Building Commissioner (Village Administrator Drew Irvin).

Chair Hunter invited Mr. Ed Wynn to the podium.

Mr. Wynn said he has discussed the matter with the Building Commissioner and Village Attorney, and he understands why the appeal might place the ABR in an uncomfortable position. Mr. Wynn said ABR Member Edward Deegan, architect for the Application, elected to recuse himself from the appeal process. The appeal does not intend that Member Deegan has done anything other than be a strong advocate and professional representative of the Application. Mr. Wynn said the appeal is not a delay tactic intended to prevent the demolition of 419 East Prospect Avenue, or to seek damages from the Village. The appeal is about the rule of law, specifically whether the Building Commissioner or any Lake Bluff Government Official should be allowed to take the position that he/she has the discretion not to follow the requirements of the law. Mr. Wynn said he is asking that the Building Commissioner follow the Village Code requirements to ensure Applications comply with regulations before they are deemed lawfully complete. He commented on the laws established to hold elected officials accountable, and said no one is above the law.

Mr. Wynn said the property owner submitted an Application following the Joint Plan Commission and Zoning Board of Appeals (PCZBA) denial of a subdivision request. The Village accepted and deemed the application complete. The Freedom of Information Act (FOIA) responses which he received showed that three principal components (the demolition site management plan, applicable fees, and bond) were not submitted with the Application. He explained why he requested the plans and said that he was troubled when he learned that the Application was deemed complete.

Mr. Wynn questioned whether the Building Commissioner fulfilled his obligations to protect all Village residents, and adjoining neighbors from the potentially negative effects of the proposed demolition. The Building Commission and Village Attorney continues to contend that the Building Commissioner does not have to take any further action and have filed a motion to dismiss the appeal. The deficiencies he discovered were submitted for consideration, but the Building Commissioner focused on defending the errors rather than addressing them. He believes the Building Commissioner initially tried to conceal his actions, but eventually disclosed that the fees and bond were not received, then arranged direct communication with the property owner to obtain them. Mr. Wynn said he believes that the Historic Preservation Commission (HPC) was not given accurate information when it asked why the clock was reset. Also, he believes that the Application completion date of August 24, 2018 was fudged because the additional information was received five days after the Application was deemed complete.

Mr. Wynn said the Application process began with the property owners asking Staff for an architect referral, but Village records reflect that Staff declined to provide the referral. The records also indicate that Member Deegan was being pressured by the applicant to start the clock required for the HPC review, and that the property owner filed the Application following the PCZBA's denial of the requested subdivision. The Village accepted the Application and deemed it complete on July 19, 2018 without the required plans, bond or fees. In addition, the Village requested a questionnaire, which was not submitted until approximately two weeks after the Application was deemed completed.

Mr. Wynn commented on email correspondence between ABR Member Deegan and the property owner regarding the 120 day countdown. There were additional emails in which the applicant consistently demanded whether the clock had started and the Village responded "it has," although additional information was needed. He commented on why he believes the process favored the property owner. Mr. Wynn said recently that the Village Attorney prepared a one-sided incomplete and misleading motion to dismiss the appeal, representing it as an unbiased analysis of the appeal, but the bias is apparent as findings and conclusions to dismissal the appeal was presented to the ABR.

Mr. Wynn provided the ABR with a copy of the cases he cited in the appeal. He commented on the verbiage in the email and voicemail communications, and said although he cannot prove it, he thinks the property owner was pressuring the Village to accept the incomplete Application to start the 120 day countdown. Mr. Wynn said he met with the Building Commissioner and Village Attorney, and their position have not changed. Also, the Building Commissioner told him “you got the clock restarted, the HPC considering the landmark request, you should feel good, what is the harm.” Also, the Building Commissioner maintained his position and rejected his additional finding regarding submission of a tree survey.

Mr. Wynn said the Building Commissioner refused to submit his original appeal to the ABR and he did not address his issues but resolved a minor site access issue and reset the clock based on that resolution. As a result of this action, the Building Commissioner declared his appeal resolved, but it was not because he explicitly rejected the basis for his appeal. Mr. Wynn said the process was sloppily handled. He was told the additional significant deficiencies and checklist could be added to this appeal because it had not been reviewed by the ABR. He expressed his opinion that Staff’s memorandum maintains the Building Commissioner’s position.

Mr. Wynn said he believes this appeal provides clear incontrovertible facts and clear unambiguous provisions of the Village Code, which demonstrates that the Application was incomplete. He said the appeal is not about a single Application or technicalities to delay the demolition, but whether the Village respects the rule of law and will hold its officials accountable for compliance with the Village Code. Mr. Wynn commented on the verbiage in the Village Attorney’s memorandum, specifically the comment noting “that a failure of the ABR to issue a written decision within 15 days constitutes a denial of the appeal.” Mr. Wynn said he believes the comment was highlighted so that everyone would ignore how the Building Commissioner’s review did not comply with the Village Code or law, and then commented on what led him to his conclusion.

Mr. Wynn expressed his belief that the Village Administrator will tighten up the review process, or take advantage of the fact that he does not have to take any action, if the appeal is denied. He asked who in their right mind would attempt to hold the Village Administrator accountable after this process, since it would be very clear that he does not have to follow the law. Mr. Wynn said the decision tonight is whether the ABR supports and feel comfortable defending its constituents, the people of the Lake Bluff, or if the Village Administrator fail to follow the law, or if a biased process was used as a weapon against the property owner, or whether the ABR supports the principles of fundamental fairness; substantive and procedural due process.

Chair Hunter opened the floor for public comments.

Jenny Barthold said she lives approximately eight feet from where the proposed demolition will occur and expressed her concerns regarding the existing trees, especially the oaks and her health in the event hazardous waste is released during the demolition. She thinks her health and existing trees were disregarded by the Building Commissioner to favor the property owners. It is her opinion that the Application was declared complete without the required attention to trees and hazardous waste. Ms. Barthold said she thinks the Village does not care about the welfare of its resident and that it prefers to grease the path for development at the expense of its residents. She is cynical about the Village’s professed support of its residents and has lost her faith that Lake Bluff is committed to its own ordinances. She read the purpose of the ABR as depicted on the Village website and said hopes the ABR will require that the Application submitted to demolition a house eight ft. from her property be

complete. Also, she hopes that her health, safety and welfare will be protected. Ms. Barthold said she hopes to leave the meeting with restored trust in Lake Bluff's governing individuals and institutions then thanked the ABR.

Stephanie Bjork said she lives directly across the street from the subject property. In 2017 she received a notice regarding proposed significant changes to the subject property, but Staff later informed her that the Application had been withdrawn because it was not complete. Ms. Bjork said she was told if anything else should develop it would be re-noticed, but she never received any further notices. She was under the impression this matter was not being considered but official documents indicates there were extensive discussions at several meeting labeled as a "workshop" thus, bypassing the notice requirement. Ms. Bjork addressed her concern regarding the existing drainage issues and noted that she hired an engineer/surveyor to conduct a topographical survey of the Prospect Avenue area and advise of his findings. Ms. Bjork said she has worked very hard with the Village to resolve drainage issues on her property, but it seems her concerns have been completely unaddressed and she wonders whether her 1870s Camp Meeting Cottage home matters. Ms. Bjork said she has witnessed projects being done without a permit and she believes this impacts her property. Currently, she is at a distinct limitation on how to address this matter as a homeowner on a street with no storm sewers, no understanding of her options, and no real answers. She understands the ABR is in a difficult position, but there have been extensive discussions regarding the subject property without her knowledge. She previously expressed her concerns regarding drainage, public services and the impact on surrounding properties which have experienced structural damage as a result of significant rainstorms. Ms. Bjork said she understands this is an extremely difficult situation but everyone must try to proceed forward the right way doing the right thing for everyone.

Chair Hunter invited Village Administrator Drew Irvin to the podium.

Village Administrator Irvin said there were problems regarding the manner in which the initial Applications were handled and he commented on the changes that have occurred since that time. He said this particular Application was initially handled poorly but it was administered pursuant to the Village Code and in the same manner as any other application.

In response to Ms. Bjork's comments, Village Administrator Irvin said a neighboring property owner brought the matter to Staff's attention, and the permits have since been issued. Although this is not ideal practice, it is not uncommon. Village Administrator Irvin said there have been several discussions with Ms. Bjork regarding the stormwater/drainage issues and Staff continues to work with her to develop a plan to address drainage issues.

Village Administrator Irvin said the appeal tonight addresses the completeness of the Application and he utilized a PowerPoint presentation to review the completeness of the submittal with excerpts from the application documents. He began by explaining that the Village Code defines a significant demolition application as "any application for a demolition permit that: a) proposes to destroy or remove, in whole or in part, at least 50% of the gross floor area of a structure or building originally constructed 50 years or more prior to the date on which the building official deems the application complete ("application completion date"), and b) that proposes, in whole or in part to destroy, alter, or otherwise change the exterior elements or appearance of the structure or building. Village Administrator Irvin said an application is deemed complete pursuant to the Village Code after the requirements (site management plan and applicable fees) are received. There is a provision in the Village Code which allows an Application of this nature to be deemed complete even if it does not

have utility disconnect letters, supplied by North Shore Gas, ComEd, etc., which are normally submitted later in the process.

Village Administrator Irvin said Village Staff inadvertently deemed the Application complete when some of the required information had not been provided. As the Building Commissioner, he subsequently reviewed the Application himself for accuracy with the Village Attorney and, as the memorandum presented this evening addresses. The Application was officially deemed complete on September 28, 2018.

Village Administrator Irvin said he and Mr. Wynn have had several discussions, and both parties agreed that the initial Application was not handled well and that the process could have been better. He commented on the changes that have occurred since that time, such as a checklist for subdivision and site plan review. Village Administrator Irvin began his presentation with a slide showing when the applicable fees (demo tax principle structured demolition, performance bonds receipts, etc.) were provided. Village Administrator Irvin then explained why he determined that the Application satisfied all of the individual requirements set forth in the Code:

1. Demolition site management plan – he presented an excerpt of a scaled sketch map plan of the site from the Application materials;
2. He showed how the Application materials included a depiction of on-site access routes for vehicles, equipment and personnel, as well as how the plan submitted addressed the driveway and construction access point;
3. Village Administrator Irvin showed the depiction of on-site dumpsters, construction fencing, public/private utilities, stormwater management and fencing/other devices on the submittal documents;
4. He showed how a description for the dust control measures that will be used when applicable to minimize the spread of airborne particles, and noted this also described the on-site grading that will occur when using heavy equipment;
5. He showed excerpts from the submitted tree survey that had the location, size, and fencing requirements. The plan submitted also included a tree inventory, description, location and tags. There was a question raised regarding this requirement and noted this is a demolition site management plan that is an application requirement associated with a nomination period of historic preservation purposes;
6. Village Administrator Irvin showed how the plans included site access routes and the designation for parking for demolition equipment, trucks, crews, etc. He commented on the application process, specifically, in regards to Village Code requirements in terms of where information is required for projects. He noted that this was the final piece of information needed to complete the application and it was provided by the applicant on September 28th;
7. Description of site specific measures not otherwise required to minimize adverse impacts on neighboring properties were also presented by Village Administrator Irvin. There were plans specific to the site, not required by the Village Code, such as the encroachment along the western border of the property and management of the stone wall which should have been addressed early in the process. He also commented that should a demolition permit be issued, the property owner will be responsible to follow the law whether it be for damage to adjacent trees or demolition activities;
8. Description of any other measures or features not otherwise required to minimize adverse impacts on neighboring properties was shown in the presentation using plan submittals; and
9. He showed the submitted restoration plan and schedule – this involves any work which may encounter damage to village roadways, sidewalks, or other water/sewer infrastructures.

Village Administrator Irvin said on September 28, 2018, he reviewed the final Application, which included the aforementioned items, and in his opinion as Building Commissioner satisfied the Village Code requirements.

Village Administrator Irvin commented on the discussions between him and Mr. Wynn, and said he thinks there was a misunderstanding regarding the initial appeal. It was his understanding the initial conditional appeal regarding how the clock would be reset would be discussed amongst them because it was informally submitted via email. Village Administrator Irvin said he does not recall saying “what is the harm, it is only five days.” Also, during the discussions it was his understanding there was no need to expedite the process, contrary to Mr. Wynn’s theory, until the application was complete.

Village Administrator Irvin clarified that the appeal is concerning a significant demolition permit application, and not a permit issuance. He asked if there were any questions.

In response to a question from Member Russ, Village Administrator Irvin said a general demolition permit application would be submitted if the structure is not older than 50 years or an historic home.

Member Russ asked if the demolition requirements pursuant to Section 9-1-18 apply to any demolition permit application. She asked how a person should navigate the process when there is divergence regarding the HPC’s decision with the alacrity and not hold up a homeowners private property rights. Village Administrator Irvin said the permit application process is different depending on the scope of work, and Staff will provide property owners direction pursuant to the Village Code depending on the application submitted for review. A discussion followed.

Chair Hunter said the HPC does not discuss if an Application is complete or details of a demolition permit. The goal of the HPC is to determine if the home should be demolished or preserved. As there have been no plans submitted for a new home, it seems to him that we have put the cart before the horse.

In response to questions from Member Wehmeyer, Village Administrator Irvin said there are checks and balances established to identify missing information and Village Code requirements are conditioned in the demolition permit.

BCS Mike Croak said the question should be when the Village will receive the information because the Village Code is unusual in prescribing the required information needed to begin the process for this type of Application. A discussion regarding elements set forth in the Village Code followed.

In response to a question from Mr. Wynn, Member Wehmeyer said the question was not necessarily “could we wait for them.” She is curious to know if at some point during the process, from the time the application is considered complete, if other documents would have to be submitted. Mr. Wynn commented on the facts and conclusions submitted by the Village Attorney, and noted pursuant to the Village Code, an Application must be complete before the HPC can start the 90 day review process. It is his opinion the Application is not complete pursuant to the existing Village Code and he is asking that the regulations be enforced.

In response to a question from Member Kerouac, Mr. Wynn said his concerns are what may happen if the building is demolished and if the process was followed pursuant to the Village Code. The minor access route technicalities and tree survey are additional elements needed to complete the application.

In response to a comment from Chair Hunter, Mr. Wynn said he understands that he cannot challenge any future building permits, but he does have the right to challenge the Application. He commented on the HPC review process, time constraints to prepare a request for the HPC to nominate the structure as a landmark, his ongoing research regarding the possibility of other historic portions of the house and said he would be deprived of time need to put the nomination in place if the ABR approves the appeal. Mr. Wynn said he thinks it is important for any public official, Advisory Board and government employee to follow the law.

In response to a question from Member Kerouac, Mr. Wynn said his ultimate goals are to (i) preserve as much of the original structure and 1883 addition and have it integrated into whatever the applicant desires to rebuild (ii) if this is not feasible, then ensure that whatever is built on the property is consistent with the character of the existing structure, (iii) ensure there will not be any asbestos or lead materials transmitting when the home is demolition, and (iv) protect neighboring trees. In his opinion Staff have taken the position that “if necessary” to mean that a tree permit is not required but it is needed to determine tree fencing protection. He expressed his opinion that Staff’s position in regards to Requirement #7 is the Village Administrator’s review is limited to what is in the Application. The retaining wall was not identified in this particular Application and he does not understanding how the property owner can determine which adverse impacts should be reviewed.

In response to a comment from Village Administrator Irvin regarding the tree survey, Mr. Wynn said there are trees located approximately 3 ft. from the subject property line which needs protection. The Village Code clearly defines which trees are in the critical root zone and all the trees in the Application are located within that zone.

In response to a question from Member Kerouac regarding tree protection. Village Administrator Irvin said the Village Arborist would approve on-site tree protection prior to construction as part of the permit issuance and noted most large plans does not show trees on neighboring lots. A discussion regarding tree protection followed.

Village Attorney Schuster said the discussion this evening is only whether the Application is complete. There has been no building demolition permit issued as of to date. He said it is important to understand that property owners or contractor cannot ignore the requirements needed for a significant demolition permit application. It has been mentioned several times “nothing can be done if the required information is not provided and a demolition permit is issued,” but that is not true under the law. The property owner and its contractors are responsible to ensure they do not violate the law and that the Application submitted is complete pursuant to the Village Code. The Village can cite someone who does not follow the Village Code.

Village Administrator Irvin said the Applications submitted earlier in the process were not well handled early in the process, but there was no conspiracy. Staff works with property owners and developers to prepare them for a Village Advisory Board review and to ensure that Village policy goals are achieved. Village Administrator Irvin apologized to the property owner, Robert Helle, for informing him that the Application was complete, but he does feels comfortable with his determination regarding the Application as of September 28, 2018.

Mr. Wynn said the issue being considered tonight is not whether there is a conspiracy, but whether the Application is complete pursuant to the Village Code, and he asks that the applicant be required to comply with the current Village Code.

Chair Hunter opened the floor for questions from the commissioners.

Member Dahlmann said the property owners would be the individuals hurt by the delay process. The Village Administrator has presented the items required and the Village Code is very clear regarding the completion date, “the date on which the Building Official deems the application complete, is the application completion date,” and this was done on September 28, 2018. The process may have been sloppily handled, but this was not the applicants fault. He thinks the process is in order and he suspects that the neighbors will be carefully watching everything done on that site and let their feelings be known.

In response to a question from Member Callahan, Mr. Wynn said he used the provision “critical root zone” as defined in the Village Code to determine the radius root zone for the trees on the adjacent property. A discussion regarding the measurement followed.

In response to a question from Member Callahan, an audience member expressed concern for the existing oak tree on her property.

Member Russ said this was a passionate presentation and the timeline was helpful. She is sure the appellants are very well intentioned and she appreciate the answers provided to the ABR. She commented on the tree protection, tree survey and process to date and said there is much work needed but the essential questions this evening are (i) should the ABR be hearing the appeal and (ii) is the Application complete.

Chair Hunter provided information regarding the “Frederick C. Robie House” located in Illinois which is different than the surrounding gothic buildings but is recognized as one of the most famous building in the entire world. Chair Hunter said he does not think anyone has the right to dictate what a property owner can build. There can be suggestions, but to assume they have “standing” in that decision is very troublesome to him.

Following a request from Chair Hunter, Village Attorney Schuster explained the next steps in the process and clarified that the appeal is to determine if the Application is complete. Should the ABR determine that the Application is complete, then, pursuant to Section 9-1-18.H5A, Significant Demolition Application, there will be a 90 day review period. The HPC shall have 90 days, after the Application completion date, to receive applications for landmark nominations for the building or structure that is subject to the significant demolition application. The nomination application shall be filed pursuant to the historic preservation procedures contained in this section of the Village Code. Village Attorney Schuster said the HPC submitted a recommendation to the Village Board to approve the property owner’s application to designate the home as a historic landmark. Village Attorney Schuster said should the ABR determine the Application is not complete, pursuant to Section 9-1-18.H5A, it would have no impact because the issue is already moot. The property has been nominated for landmark designation by the HPC.

In response to questions from Member Kerouac regarding the appeal process associated with a landmark designation, Village Attorney Schuster explained the HPC advisory review process and noted that the applicant can walk away because they are not required to go through the entire process. Should the applicant desire to walk away from the process, then a demolition permit can be issued. There are no provisions in the Village Code which state that the property/house cannot be demolished. A discussion followed.

Member Dahlmann said the ABR does not have to determine if the appellant has standing or if the appeal is moot. He said since a written decision is required, the ABR should determine whether to deny or accept the appeal.

Village Attorney Schuster read provisions Section 9-1-18.H.3 and Section 9-1-18.d of the Village Code regarding completeness of a significant demolition application. Pursuant to Section 9-1-18.H5a, Historic Preservation Commission Review Ninety Day Review Period, the HPC shall have ninety (90) days after the Application completion date to receive applications for landmark nominations for the building or structure that is the subject of the significant demolition application. He said nomination applications shall be filed pursuant to the historic preservation procedures contained in this title. The materials submitted by the appellant express their belief that if the Application is not complete, then the demolition permit cannot be issued and that period would continue to run. Village Attorney Schuster said he interprets the Village Code as, if it is landmarked then you go through the advisory review period and that provision of the Village Code is inapplicable because the property already has been nominated for landmarking.

In response to a comment from Member Kerouac, Village Attorney Schuster said the purpose of the “Demolition Review Process” is to allow time for the submission of a landmark nomination application. The review period commences the day after a full and complete Application is received and the HPC has the sole discretion to extend the time period for receipt of landmark nominations up to an additional thirty (30) days, for a total review period not to exceed 120 days after the Application completion date. He said a demolition permit application is not required to nominate a property for landmark status. The property can be nominated at any time. In this particular situation the property has already been nominated for landmark designation. A discussion followed.

In response to a question from Member Kerouac, Village Administrator Irvin said there have been no changes to the Application and the ABR should consider if the documentation submitted as of September 28, 2018 satisfies the Village Code requirements.

In response to a comment from Member Russ, BCS Croak said some of the adverse impacts could be a result of new construction and it would be difficult to address the questions presented this evening because no plans have been submitted. A discussion regarding tree survey/tree protection followed.

Member Kerouac asked if neighbors have the right to view and comment on building plans. BCS Croaks said neighbors do not have the right to make any changes but are allowed to view the plans if submitted as part of a zoning or HPC application.

Chair Hunter expressed his opinion that nothing the ABR could say regarding “standing” or “not standing” would have any effect on what a property owner can do with their property.

Member Dahlmann said he thought the appellant’s presentation and research was excellent but he recommends that the appeal be denied.

Following Village Attorney Schuster explained the motion process should the appeal be denied. Chair Hunter did a straw poll of the commissioners with the results as follows: Ayes: Kerouac; Nays: Callahan; and Undecided: Members Russ and Wehmeyer

Member Kerouac expressed his opinion that the Application submitted as of September 28, 2018 meets the Village Code requirements. He said for the community to be allowed to take a document and nit-pick is a scary proposition because the Village has enforcement measures to protect the rights of neighboring properties. Member Kerouac said he does not think the demolition review process should occur before hand by the public and to allow neighbors to deem if an Application is complete sets the wrong precedence.

Renee Boyle said her property on Sheridan Road is location between two tear downs. She commented and expressed her frustration regarding the adverse impacts near her property as a result of new construction build out. She agreed that neighbors should not be responsible for policing demolition projects. Ms. Boyle said she understands property owner's rights but she also thinks that neighbors should have some "standing" as far as damages without having to take legal action. She does not want to be a noisy neighbor, nor learn of a demolition a week before it happens and she does not believe this is what we are trying to achieve. Ms. Boyle said the Village Administrator said the Application was not complete, so why not just say the Application was not complete on September 28, 2018 and move forward.

Mr. Wynn said he is not challenging the substance of the determination, but whether the Application complies with the law. The FOIA responses indicated that requirements #7 and #8 had not been met in his opinion and the determination made should be consistent with the Village Code.

In response to a question from Chair Hunter, Village Administrator Irvin said requirements #7 and #8 were addressed and the documentation satisfies the demolition application requirements. An extensive discussion regarding the requirements ensued.

Member Dahlmann made a motion to deny the appeal based on the Application was complete on September 28, 2018. A discussion ensued and Members Wehmeyer, Russ and Callahan agreed that the Application was complete as of September 28, 2018.

Village Attorney Schuster suggested the motion read as follows: The decision of the Lake Bluff Architectural Board of Review and the appeal regarding the application for a significant demolition permit for 419 East Prospect Avenue. The Lake Bluff Architectural Board of Review hereby makes the following decision with respect to the appeal filed by the appellant challenging the determination of the Village's Building Commissioner that the demolition permit application filed by the owner of 419 East Prospect Avenue on September 28, 2018 was complete. In connection with the appeal the ABR was confronted with whether the demolition permit application is complete and with respect to the issues presented the ABR considered the evidence presented including the applicable Village Code provisions and the various arguments of the parties and based on such evidence and arguments makes the following decision. The demolition permit application submitted by the owner of the property is complete and satisfies the requirements of the Village Code. Conclusion based on the fact that the Building Commissioners determination was correct the ABR has found that the appeal should be dismissed and there is not a sufficient basis for reversing the Building Commissioners determination. A discussion followed.

A member of the audience stated she hopes the process gets better and that the existing trees will be protected.

Chair Hunter allowed an intermission for the commissioners to consider the motion.

Following the intermission, Member Russ said it is dissatisfying that many of the issues raised will not be addressed by tonight's decision.

In response to a comment from Member Wehmeyer, Village Attorney Schuster said to prevent ambiguity, the fourth sentence will be changed to read: The demolition permit application submitted by the owner of the property was complete as of September 28, 2018 and satisfies the requirements of the Village Code.

Village Attorney Schuster passed out copies of the written decision to members of the public in attendance, including Mr. Wynn.

Member Dahlmann made a motion to deny the appeal pursuant to the written decision. The decision was then read. The motion passed on the following roll call vote:

Ayes: Wehmeyer, Russ, Kerouac, Callahan, Dahlmann and Chair Hunter

Nays:

Absent: Deegan

5. Staff Report

BCS Croak said there have been no applications submitted for the December 12th meeting, a brief discussion followed. Also, he provided information regarding an ongoing new housing construction project.

6. Adjournment

There being no further business to consider a motion was duly made and the meeting adjourned at 9:48 PM.

Respectfully submitted,

Mike Croak, CBO, CBCO
Building Codes Supervisor