

Neighborhood Group Files Lawsuit To Stop Landmark-Busting Zoning Decision

Yesterday, the Old Town Triangle Association filed suit in Cook County Circuit Court against the Chicago Zoning Board of Appeals (ZBA) and the owners of 1848 N. Lincoln Ave. a historic property, to overturn a ZBA decision that damages Old Town's historic landmark integrity. The owners propose to construct a garage in the front yard of their Lincoln Ave. property. Although no other houses on the landmarked block have garages or coach houses in their front yards, the ZBA approved zoning variances to allow the garage to be constructed just a few feet off the sidewalk.

The ZBA's decision, which the suit contends was sought through illegal lobbying by the property owners' attorneys, threatens to undo fifty years of significant financial investment by neighbors to maintain Old Town's unique, landmarked character. The suit contends that the ZBA final decision was not supported by the evidence and failed to include a detailed findings of fact which is required when granting a variation. In addition, the lawsuit contends that:

1. The owner's attorney, a member of an experienced zoning law firm, engaged in unregistered lobbying of the Zoning Board and other City agencies to promote the project. Section 2-156-510 of the Chicago Ethics Ordinance provides that: *"Any permit, license, ruling determination or other official action of a City agency applied for or in any other manner sought, obtained or undertaken in violation of any of the provisions of this chapter shall be invalid and without any force or effect whatsoever."*
2. The owners did not act in good faith and only met with the Alderman and the Old Town Triangle Association (OTTA) after a Stop Work Order was issued by the City of Chicago.
3. The owners are adding a garage to a front yard, rendering the property out of character with the historic homes on the block and the landmark-designated neighborhood.

"Old Town has been a landmarked neighborhood since 1977. Since then, every resident has been required to forgo additions and improvements that are out of character with the district. Neighbors have chosen to live here with the understanding that the exterior of historic properties—and empty open spaces—are to remain as is. With one stroke, the Zoning Board of Appeals decision has made moot the existing residents' commitment to the district," said OTTA President Karen Pfendler.

OTTA's suit seeks to overturn the ZBA's decision, which would restore property values and stability to the neighborhood.

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