

Citizens for Responsible Development

A better plan for the 50th Ward

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For information contact: Greg Brewer
Mobile: (312) 933-5198
Email: gbrewer@rcn.com

Court order stalls parking garage

Cook County judge Leroy Martin Jr. today issued a preliminary injunction against developer Mohammed Siddiqi preventing him from starting construction on a planned parking garage and condominium development at the corner of Rockwell St. and Devon Ave. in West Rogers Park. Today's court order is the latest in a series of setbacks for the controversial project and a significant victory for homeowners who filed suit in October to block the development.

Homeowners allege the planned six-story mixed-use structure would violate restrictive covenants established to protect the residential character of their neighborhood. Deed restrictions recorded with the original subdivision in 1913 permit only residential structures on Rockwell and adjacent side streets. The same restrictions require that all buildings be set back from the property line.

The homeowners' lawsuit seeks to enforce the covenants through a permanent injunction. Today's ruling means that no construction may begin before a final decision in the case. The developer agreed to accept a preliminary injunction after homeowners filed an appeal of Judge Martin's earlier ruling denying the injunction.

The proposed development includes ground floor retail and office space, a multi-level public parking garage and 30 condominium units. Parking garage floors would extend beyond the property line to overhang the sidewalk. The project has the support of local alderman Bernard Stone (50th) and is slated to receive \$3.6 million in TIF funding, but is more than a year behind schedule and remains stalled.

Homeowner Mary Freely has lived in the neighborhood for 32 years and her two-flat sits directly across the alley from the development site. "I'm afraid we'll never see the sun again; we'll be living in the shadow of a parking garage," Mrs. Freely said.

Neighbors had previously objected without success to a series of zoning changes and other city approvals. Many believe the design is out of character with its surroundings and will overwhelm their residential neighborhood of historic bungalows and two-flats.

"The city's planned development process has been used to completely disregard normal zoning restrictions and allow a combination of height, bulk and density not seen anywhere else in the 50th Ward," said Greg Brewer, an architect and community activist.

Prior city approvals have no bearing on the homeowners' lawsuit. The city does not review or enforce deed restrictions, which are considered to be private agreements. The developer was aware of the restrictions but chose to ignore them in planning the project.

"The city can ignore its own rules and regulations, but it cannot violate the right of these homeowners to protect their neighborhood and their property values," said Brewer.

Citizens for Responsible Development is a neighborhood organization working to inform local residents on issues of planning and development, advise and assist community groups with technical resources and expertise, and advocate for a more open and inclusive planning process in the 50th Ward. For more information visit www.crd50.org.

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