

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

Neighbors sue developer to stop Rockwell-Devon parking garage

A group of West Rogers Park homeowners today filed suit against developer Mohammed Siddiqi in an effort to stop construction of a planned parking garage and condominium development at Rockwell Street and Devon Avenue on the city's far north side.

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 in 1913 permit only residential development on Rockwell and adjacent side streets. Deed restrictions also require that all buildings be set back at least twenty feet from the property line.

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 lawsuit filed today in Cook County seeks to enforce the restrictive covenants through a permanent injunction against the project.

Homeowner Mary Freely, 88, has lived in the neighborhood for 32 years. The two-flat she shares with her son and daughter-in-law 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.

Today's lawsuit is the latest in a series of setbacks for the controversial project. The development has the support of local alderman Bernie Stone (50th Ward) and is slated to receive \$3.6 million in TIF funding, but is more than a year behind schedule and remains stalled. The building permit issued in January has expired due to Siddiqi's continued delay in starting construction.

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

"The city's planned development process has been used to disregard normal zoning requirements and allow a combination of height, bulk, and density not permitted 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 is fully aware of the restrictive covenants but has chosen to ignore them.

Brewer encouraged homeowners to bring their case to court and helped organize the lawsuit.

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

Citizens for Responsible Development is a community-based organization working to inform local residents about issues of planning and development, advise and assist community organizations with technical resources and expertise, and advocate for an open and inclusive planning process to encourage smart growth in the 50th Ward. For information visit crd50.org.

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