

# The Works

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## What They Don't Know Won't Enrage Them

The Artful Dodger and what's wrong with our system of neighbor notification.

By Ben Joravsky

You'd figure people would have packed the City Council chambers last summer when the council held a zoning hearing on the Artful Dodger building in Bucktown. The owner was asking for a zoning change that would allow him to replace the single-family unit with town houses or a multiunit building. The three-story Queen Anne, with its distinctive witch's-hat turret, is the sort of historically significant structure that most residents—not to mention preservationists—would rally to save. But no one showed up on its behalf, and the council, following the lead of 32nd Ward alderman Ted Matlak, went ahead and changed the zoning, giving the owner every incentive to demolish the building.

Now locals are up in arms. They say no one protested at the hearing because no one knew about it. "Score another point for our great notification system," says Craig Norris, a Wicker Park preservationist. "It's less about notification than keeping things hid."

The Artful Dodger building—known primarily for the bar it housed until last summer—was built in 1899 and designed by John S. Flizikowski, a prolific Polish-born Chicago architect. In May 2005, Walker Kos, a local developer, bought it for about \$1 million. On July 19 Kos's zoning lawyer, James Banks, filed a request to change the property's



The Artful Dodger building, Wabansia and Hermitage



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zoning from R3 to R4, a less restrictive category.

The request sailed through the system. Banks mailed notices to residents within 250 feet of the property, notifying them of Kos's proposed change. There wasn't a peep, and Matlak endorsed the change. On August 30 the City Council's zoning committee, chaired by 36th Ward alderman William Banks, James Banks's uncle, recommended that the full council approve it. (Alderman Banks recused himself on the matter, as he routinely does with cases filed by his nephew, one of the city's busiest zoning lawyers.) And on September 14 the council unanimously ratified the change, as they do virtually any proposal blessed by the local alderman.

"With that zoning change the council made the land more valuable than the building that's on it," Norris says. "The change gave the owner permission to build condos or town houses, which in this inflated real estate market will bring him a lot more money than keeping the Artful Dodger."

As it turns out Kos doesn't want to build town houses. According to his zoning application, he plans to tear down the Artful Dodger and build a man-

sion in its place. In November he applied for a demolition permit.

That's when the city's notification process finally kicked in. The Artful Dodger building is ranked orange on the Chicago Historic Resources Survey, meaning it's a historically significant building that can't be demolished without a hold of up to 90 days, a period meant to give people the chance to argue that it be saved. As required by law, the planning department listed Kos's demolition application on its Web site. When preservationists spotted it, all hell broke loose. "Until then no one knew the zoning had been changed," says Mike Moran, of Preservation Chicago.

Moran and other preservationists started up a petition drive and barraged Matlak with calls, arguing that he shouldn't have endorsed the zoning change without holding a community hearing. According to Moran, Matlak told them that he'd had no reason to call a meeting—no one had protested the proposed change. When told that no one protested because no one knew it was coming, Matlak said, well, they should have. After all, Banks had sent out notification letters. (Repeated calls to Matlak went unanswered.)

Anyone who knows anything

about zoning in Chicago rolls his eyes at the mention of notification. City law requires only that such letters include the applicant's name, the date he intends to file his application, the name of his lawyer, and a brief "description of the nature, scope, and purpose of the application." Residents don't have to be notified of pending hearings on the proposed change, or precisely what the applicant wants to build or demolish.

In this case Banks wrote, "In accordance with Amendment to the Zoning Code enacted by the City Council, Section 17-13-0107-A, please be informed that on or about July 19, 2005, I, the undersigned, will file an application for a change in zoning from a RS3 Residential Single-Unit (Detached House) District to a RT4 Residential Two Flat, Townhouse and Multiunit District on behalf of the Applicant/Owner, Wallys Development Inc., for the property located at 1734-36 West Wabansia, Chicago, IL. The property will be improved with a single-family residence."

"The letter talks about improving a 'single-family residence,'" Norris says. "If he gets past your first sentence, your average citizen's probably going to say 'What's this crap?'

They'll just throw it away."

That's if they get the letters at all. In many cases notices are sent to previous owners or absentee landlords. According to the application, Banks mailed notices to 191 addresses, 15 of them out of town, a couple as far away as Texas, and Cimarron, Kansas. Meanwhile the two people who live next to the building didn't get one.

"Neither my wife nor I have ever received any notice (official, actual, or constructive) that the zoning map was to be amended with respect to the Artful Dodger," neighbor Ethan Preston recently e-mailed Matlak. "Consequently, we were deprived of any opportunity to air our concerns at the council hearing at which the zoning map was amended." Judging from Banks's list, the notice was addressed to the previous owner rather than to the Prestons.

The controversy comes at a tough time for Matlak. He's already under fire for overseeing zoning changes that have paved the way for teardowns throughout his ward. He OK'd a zoning change that led to the demolition of his old ward office on Damen, and last year he OK'd a proposal to build a condominium complex on the old Association House play lot,

even though it's part of the Wicker Park Historical District. With his archrival, state rep John Fritchey, threatening to support an opponent in the next election, Matlak is in danger of going the way of aldermen Jesse Granato and Vilma Colom, who in 2003 were ousted by voters largely over the issue of overdevelopment.

The 90-day hold on the demolition permit for the building expires on February 16. Matlak says he's trying to broker a deal in which Kos sells the building to Andy Schcolnik, an architect and developer involved with Preservation Chicago. "I've looked at it as rental and as condos, and the only thing that would make any sense is a single-family house," Schcolnik says. "I want to live there—I don't want to tear it down." Schcolnik says he offered \$1.1 million for the building. "But Kos told me he wants \$1.375 million. We're negotiating."

Of course, even if Schcolnik buys the Artful Dodger, it's only one building. The flaws in the system mean many more are vulnerable. "The way it works is that you can demolish old buildings without anyone knowing," says Moran. "Well, eventually you'll know it's getting demolished—after the bulldozers come in." ■

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