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F2013-35

Meeting Date: 6/5/2013
Sponsor(s): Mendoza, Susana A. (Clerk)
Type: Communication
Title: Denial of Demolition Permit Application No. 100471786 for
10355 S Seeley Ave by the Commission on Chicago
Landmarks
Committee(s) Assignment:



DEPARTMENT OF HOUSING AND ECONOMIC DEVELOPMENT
CITY OF CHICAGO

May 20, 2013

The Honorable Susana Mendoza
City Clerk
City of Chicago
Room 107, City Hall
121 North LaSalle Street
Chicago, Illinois 60602

RE: Denial of Demolition Permit Application No. 100471786 for 10353 S. Seeley

Dear Clerk Mendoza:

We request that you provide written notice to the City Council that the Commission on Chicago Landmarks (the "Commission") has issued the attached written decision disapproving the above permit application. This request is made pursuant to Section 2-120-800 of the Municipal Code of Chicago, which states, in part: "The Commission shall send written notice of its decision [approving or disapproving a permit application] ... to the City Council."

Thank you for your attention to this matter.

Sincerely,

Eleanor Esser Gorski, AIA
Assistant Commissioner
Historic Preservation Division
Bureau of Planning and Zoning

encl.

cc: Alderman Matthew O'Shea, 19th Ward (*without enclosure*)

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DEPARTMENT OF HOUSING AND ECONOMIC DEVELOPMENT
CITY OF CHICAGO

VIA CERTIFIED MAIL –
RETURN RECEIPT REQUESTED
AND EMAIL

May 9, 2013

Donald J. McNeil
The Law Office of Donald J. McNeil
617 West Fulton Street
Chicago, IL 60661

RE: 10353 S. Seeley (Longwood Drive District)
Department of Buildings Permit Application No. 100471786

Dear Mr McNeil:

In accordance with Section 2-120-800 of the Municipal Code of Chicago, please be advised that on May 2, 2013, the Commission on Chicago Landmarks (the "Commission") disapproved the above permit application. Attached is a copy of the Commission's decision.

Please contact the Commission's attorney, Arthur Dolinsky at 312-744-8731 if you have any questions or comments.

Sincerely,

Eleanor Gorski, AIA
Assistant Commissioner
Historic Preservation Division
Department of Housing and Economic Development

Originated by:
Lawrence M. Shure, *ms*
Planner IV

Attachment

cc (w/ attachment):
William Macy Aguirar, Law Dept. (atty. for DHED)
Michael Messerle, Architect

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COMMISSION ON CHICAGO LANDMARKS

May 2, 2013

FINDINGS OF THE COMMISSION ON CHICAGO LANDMARKS IN THE MATTER OF A DEMOLITION APPLICATION FOR 10353 S. SEELEY IN THE LONGWOOD DRIVE DISTRICT

I. BACKGROUND

Sanaa Hachem ("the Applicant") submitted a permit application for demolition of 10353 S. Seeley (the "Permit Application") on December 21, 2012. On January 10, 2013, the Commission on Chicago Landmarks (the "Commission") voted to find that the building is contributing to the district and that its proposed demolition would therefore not meet the guidelines and standards set forth in the Commission's Rules and Regulations, Guidelines for Alterations to Historic Buildings and New Construction and the U.S. Secretary of the Interior's Standards for Rehabilitation, and preliminarily disapproved of the demolition pursuant to Sections 2-120-740 through 2-120-780 of the Municipal Code of Chicago. This preliminary disapproval triggered Section 2-120-800 of the Municipal Code of Chicago, which requires the Commission to hold a public hearing on the permit application within 90 days of the Commission's receipt of the permit application. Within 30 days of the conclusion of the public hearing the Commission shall send written notice of its decision to the applicant. The Commission therefore must make its decision no later than May 10, 2013.

The Commission scheduled a public hearing on Monday, April 8th, and notified the Applicant and issued notice of the meeting all pursuant to the provisions of the Landmarks Ordinance. Commission member James Houlihan served as the Hearing Officer for the hearing, assisted by Arthur Dolinsky, Senior Counsel of the Real Estate Division of the City of Chicago Department of Law, as legal counsel to the Commission.

II. PUBLIC HEARING

A. The Hearing

The hearing was convened on Monday, April 8th, at approximately 10:30 a.m. at 121 N. LaSalle, Room 201A. The Applicant and their attorney, Donald McNeil, were present. William Macy Aguiar, Senior Counsel of the Constitutional and Commercial Litigation Division of the City of Chicago Department of Law, represented the Department

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of Housing and Economic Development ("HED"). The statements and testimony given during the public hearing were given in accordance with the Commission's Rules and Regulations, including Article II, which concerns the conduct of public hearings.

HED presented the testimony of Marlene Hopkins, Managing Deputy Commissioner of the Department of Buildings, regarding the inspection and the observed condition of the property. Ms. Hopkins explained that a form letter sent by the Department of Buildings was an automatic response to an inspection of a vacant building and did not constitute an official determination that the building at 10353 S. Seeley is imminently dangerous and hazardous.

HED presented the expert testimony of James E. Peters, AICP and Kevin Patrick Harrington, PhD in opposition to the Permit Application. Alderman O'Shea made a statement opposing the Permit Application and submitted several emails received by his office. Marcia Walsh of the Beverly Area Planning Association submitted a letter in opposition to the demolition. Landmarks Illinois submitted an appearance form in opposition to the demolition. The Applicant's architect, Michael Messerle, made a statement in support of the demolition application.

B. Criteria for Evaluating Permits

Pursuant to Sections 2-120-740 and 2-120-780 of the Landmarks Ordinance establishing review by the Commission of permit applications for proposed or designated Chicago Landmarks, and subsequent sections governing that review, the Commission evaluates the work proposed in the permit application for such factors as (i) its adverse effect on any significant historical or architectural features of the building, (ii) its consistency with the proposed landmark designation (see Article IV of the Commission's Rules and Regulations), (iii) its accordance with the spirit and purposes of the Chicago Landmarks Ordinance (see Sections 2-120-780 and -580), and (iv) its compliance with the Standards of Rehabilitation established by the U.S. Secretary of the Interior. Article IV, Section B.2 establishes the criteria for evaluating the effect of proposed work on the significant historical and architectural features of the Building. Collectively, all of the above are referred to herein as the "Applicable Standards."

III. FINDINGS OF FACT

After careful consideration of the evidence, testimony, and the entire record the Commission, in its review pursuant to Section 2-120-740 of the Municipal Code of Chicago and the relevant provisions of the Applicable Standards governing consideration of permit applications, makes the following findings of fact regarding the Permit Application for the demolition of the Building.

A. Contribution to the Character of the District.

1. The subject property exhibits the general historic and architectural features described in the designation ordinance. If the significant historical or architectural features are not

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defined in the designation ordinance, they shall be determined pursuant to Article III, Section G.1. of these Rules and Regulations.

The designating ordinance for this district was adopted in 1981, and typical of ordinances from this period it does not describe the significant historic and architectural features of the district. Therefore, pursuant to Article III, Section G.1., there is a "rebuttable presumption that the significant historical or architectural features are all exterior elevations and rooflines, unless otherwise determined by PRC or the Commission."

2. The subject property exhibits the general historic and architectural characteristics associated with the district.

Unique in the city for its hilly topography, this narrow, 12-block-long district is dominated by a natural ridgeline elevated 50-80 feet above the level of Lake Michigan. Longwood Drive began to be developed in the 1870s as a railroad suburb which combined the tranquility of small town living with easy access to the Loop provided by commuter rail service, qualities which it maintains today. The district consists largely of free-standing single family houses set in generous-sized lots.

The oldest home in the District was built in 1872; however the majority of construction occurred between the 1880s and the onset of the Great Depression in 1932. The subject property was built as a single family home in 1916, and therefore exemplifies the district's historic context as a district comprised largely of such buildings.

The Longwood Drive District includes approximately 110 historic residences built in a range of styles of architecture that were popular during the period of its development. A rich mixture of architectural styles characterizes this district, ranging from the Italianate and Carpenter Gothic (of the 1870s) to Queen Anne and Shingle (1880s and '90s) to Prairie School and Renaissance Revival (early-20th century). The subject property is an example of the Dutch Colonial Revival style of architecture, one of several revival styles of architecture that are represented in the district. Characteristic feature of the Dutch Colonial Revival style exhibited by the house include a cross-gambrel roof, dormers, and an enclosed front porch.

3. The subject property respects the general site characteristics associated with the district.

The subject property is located west of Longwood Drive itself, an area characterized by very large lots on which the first residents built spacious homes with landscaped lawns. The Commission's designation report for the district from 1980 observed that "the size of the properties and the degree of open space between them produced a neighborhood with a unique character." A plat of survey for the property indicates that it reflects this unique character. The subject property sits on a lot measuring 212 feet deep by 116 feet across its front, comprising an area over 1/2-acre in size. The footprint of the house

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(4,300 square feet) occupies 18 per cent of the lot area. The remainder of the lot is primarily landscaped, though there is also a driveway and frame garage. The front of the house is set back 39-feet from the sidewalk and it is separated from its neighboring houses by 25 feet to the north and 50 feet to the south. While the buildings immediately to the east on Longwood Drive are often set back more than 100 feet back from the front property (due to their location on the ridge) the homes on Seeley have front setbacks ranging between 36' and 70' and side yard setbacks between 7' and 78'. Average front and side yard setbacks on the subject block of Seeley increase south of 104th Street. The subject property's spacious size and lot reflect the larger architectural character of the Longwood Drive District.

4. The subject property exhibits the general size, shape, and scale associated with the district.

As noted, there are a variety of historic buildings and styles within the district. These range from large 3-story mansions to more modest 1 1/2-story frame dwellings. The rectilinear plan of the home at 10353 S. Seeley combines with the flat walls and roof planes to enclose boxy forms. The picturesque arrangement of those forms, including the gambrel roofline and recessed dormers, reflect other revival style designs found in the district. The spaciousness of the house and the open space around it is also in character with the predominant aspects of the district.

5. The materials of the subject property are compatible with the district in general character, color and texture.

The blue-green rectangular wood shingles which currently clad the home create a rustic appearance. The use of shingles as the predominant cladding material is unusual in this district, where wood clapboard or wood trim is more commonly found. A red brick chimney is located at the center of the home. The roof shingles are grey asphalt, which is a common replacement material. The property is compatible with the district in general character, color, and texture.

6. If the subject property has been altered in a manner which is contrary to these criteria, such changes could be easily reversed or removed. Synthetic siding, dormers, and porch enclosures shall be deemed easily reversed or removed.

The 1992 survey sheet for the property suggests that the front wing was added c.1920. There is a difference in window styles on the front wing, with a four ganged casement windows on the north and a Chicago window configuration to the south. There is also an unusual asymmetry of the dormer windows on the second floor, which appears to be original. Staff has reviewed the current Sanborn Fire Insurance Maps and compared them to those available from 1936 and 1951. No significant changes in the footprint of the building were observed. Any substantial changes to the property occurred during the district's period of significance, and do not adversely impact the significant historical

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characteristics of the property.

B. Evaluation of consistency with the proposed designation, the spirit and purposes of the Chicago Landmarks Ordinance, and the Applicable Standards.

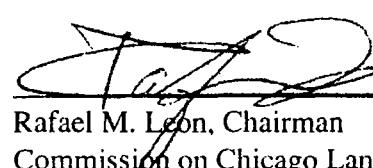
The Commission finds that the demolition of the Building would, by definition, be inconsistent and contrary to the proposed designation, the spirit and purposes of the Chicago Landmarks Ordinance, and the Applicable Standards. The uncontested evidence established that the demolition of the Building would be contrary to the purposes of the Landmarks Ordinance to: (1) identify, preserve, safeguard and protect buildings determined eligible for designation as Chicago Landmarks; (2) safeguard the City's historic and cultural heritage; (3) preserve the character and vitality of the neighborhoods; (4) promote economic development through rehabilitation; and (5) prevent further urban blight and, in some cases, reverse current urban deterioration. In addition, the uncontested evidence established that demolition of the Building would destroy the significant features of the Building, contrary to the Applicable Standards and consistent criteria establishing what work constitutes an adverse effect. The demolition of the Building therefore would be inconsistent with the District's proposed designation.

IV. CONCLUSION

For all of these reasons, the Commission concludes that the Permit Application to demolish the Building must be denied because demolition would have an adverse effect upon, and destroy, the Building and its significant historical and architectural features, and therefore have an adverse effect on the District. The work proposed by the Permit Application is therefore directly contrary to the spirit and purposes of the Chicago Landmarks Ordinance, and the Applicable Standards.

The Commission on Chicago Landmarks hereby disapproves the subject permit application to demolish 10353 S. Seeley, located in the Longwood Drive District. The decision is the Commission's final decision on this permit application.

Adopted unanimously (5-0) on May 2, 2013


Rafael M. Leon, Chairman
Commission on Chicago Landmarks

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