

PRESERVATION CHICAGO

1016 N. Oakley Blvd, Chicago, IL 60622
Phone: 773.489.0300 Fax: 773.489.0874
www.preservationchicago.org
info@preservationchicago.org

31 LANDMARKING FAQs

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GENERAL LANDMARKING QUESTIONS

1. Why am I being asked to support the creation of a Landmark District now?

The reason many communities choose to be designated a landmark district is to maintain the beauty and character of the neighborhood by preserving its historic buildings and preventing over-development. Most of the almost 40 landmark districts in Chicago were created because there was a threat to that historic environment through teardowns and over-development. During a landmark designation campaign, it's necessary to educate the community regarding the affects a landmark district will have on their property.

2. How does a group of residential buildings become a Landmark District in the City of Chicago?

Typically, a substantial number of the residents of a neighborhood, both owners and renters, express their desire for a landmark district to their alderman and to the Commission on Chicago Landmarks. If the district has the support of the alderman, and if the Commission finds that the group of buildings qualifies, the group is then granted "Preliminary Landmark Status" by the Commission. Preliminary designation temporarily halts demolition of all historic buildings until a final determination can be made if the district does meet the criteria for landmark status. Public hearings are then held. If the hearings do not alter the preliminary decision by the Commission, the Commission makes a recommendation for full "Landmark" status to the City Council. The City Council's Committee of Historical Landmarks then makes a determination, which, if favorable, is forwarded to the floor of the City Council for an official vote that formally establishes the Landmark District.

3. What benefits does a property owner receive from having his/her building landmarked?

There is a reputation of quality and real estate marketability that is achieved when an owner's neighborhood is officially designated as a landmark. Landmark property owners benefit from the official commitment to historic preservation and the security of knowing that their property will not be negatively affected by future development trends in the neighborhood. All of these factors can provide peace of mind and confidence in the future of the designated area. Tax incentives and other financial benefits to landmarking are briefly described in the financial section of this document (and in greater detail in the city incentive package provided by the City of Chicago).

4. What is the main difference between a City of Chicago landmark designation and a National Register of Historic Places designation?

The National Register designation does not prevent demolition. It may create a delay in demolition if the designated property is going to be demolished as part of federally funded project. The City of Chicago designation is the *only* designation that *does* protect against demolition or significant alteration of the landmarked façades of the buildings in your neighborhood.

5. Why can't we just down-zone?

Down-zoning does not protect historic buildings. In fact, in many neighborhoods, historic buildings have been demolished despite low-rise zoning. Zoning only regulates height, setback and bulk -- not the design of the building. Zoning will not prevent the demolition of a historic building. However, landmarking will prevent the demolition of significant historic buildings in your neighborhood.

6. What part of my home is landmarked?

The Commission on Chicago Landmarks (CCL) is concerned with the principal façades including the roof line, and elements visible from the public right of way. For most buildings, this means that only the street-fronting façade is landmarked, with the owner free to alter the sides and rear of the building. If you own a corner building, they would be concerned with the two façades. They do not consider the view from the rear alley. They also do not regulate what you choose to do to the interior of your home.

7. Recently, in my neighborhood, developers have been buying up two and sometimes three homes in a row, tearing them all down and building

one or more large buildings. These structures are destroying the scale of our neighborhood. Will landmarking stop this development trend?

Indirectly, yes. New construction cannot take place in a dense urban neighborhood if there is no available vacant land on which to build. Developers typically create this vacant land by tearing something down. However, one of the criteria for areas being considered for landmarking is that the area must contain a majority of contiguous buildings that are historic and would contribute to the character of the proposed district. Protecting those historic buildings from demolition drastically reduces the supply of available land for new construction. That is why the majority of construction in existing landmark districts consists of renovation of existing buildings, new construction built on existing vacant lots, or new construction built on the site of “non-contributing” buildings that have been demolished.

8. What is a “non-contributing” building?

When a landmark district is created, the CCL determines a “period of significance” for the district. For example, in one district, the “period of significance” is 1884-1929. Buildings built outside that period, in most cases, would be considered non-contributing. Also, architecture that is of the period but not deemed to be significant or has been too altered might also be considered non-contributing. Non-contributing buildings can be demolished. However, the design of what replaces them is regulated by CCL.

9. A. Can buildings within a Landmark District be demolished?

Only if they are non-contributing or have some massive structural failure.

B. Are those buildings identified at the outset?

Yes. When the CCL prepares a designation report, each building is identified as either contributing, non-contributing or potentially contributing. A potentially contributing building may simply be a house that is currently covered in aluminum siding, but would become contributing if the siding were removed.

10. Can a building owner opt-out of a Landmark District?

Individual owners cannot opt out of a landmark district.

11. Are there hardship cases?

An owner can make an appeal to the CCL if they have a financial hardship with regards to their designated property. Their case is reviewed and relief can be negotiated on a case by case basis. (For more information, please refer to the Landmarks Ordinance, Section 2-120-830.)

12. How many Landmark Districts are there in Chicago?

There are currently 42 historic districts, with more on the way. The first historic district was created in 1971 on Alta Vista Terrace in Lakeview. Some well-known districts include Old Town, Wicker Park, Mid North, Ukrainian Village, Beverly, Pullman, Motor Row, South Michigan Avenue, Armitage/Halsted and Kenwood. 2005 was a banner year for the creation of landmark districts in Chicago as more communities turned to the landmarks ordinance as a tool for neighborhood preservation and protection. Districts created in 2005 include the Newport District, The Greenwood Row House District, the Milwaukee-Diversey-Kimball Commercial District, The Logan Square Boulevard District, and the Ukrainian Village Extension District.

RENOVATION, HOME IMPROVEMENT, DECORATING**13. When does the CCL get involved with my home?**

Anytime an owner of a historic landmark applies for a building permit, the CCL is notified. Routine permits, like a remodeling of a bathroom, usually pass through the office in a day since no review is required.

14. Can I replace my windows or do I have to live with the leaky windows I currently have?

If reparable, the CCL would first encourage you to repair them. If beyond repair, windows can be replaced. If they are the original windows, they have to be replaced with a window that matches the original profile. Anderson, Marvin, Pella, as well as others, make replacement windows that conform to CCL standards. However, only those windows visible from the public right of way need to conform to CCL standards. All others can be replaced as the owner sees fit.

15. A. Can I add an addition to the rear?

Yes. And, as long as it's not visible from the public right of way, the CCL doesn't regulate the design.

B. Can I add to the side of my house if I live on a wide or corner lot?

In most cases, yes. But if it's visible from the public right of way, the addition has to meet CCL standards. (Public right of way does not include alleys.)

16. Can I add a floor to the top of my house?

It is zoning that will dictate whether a person can add an addition to the top of his home. However, if you live in a landmark district, and if the zoning does allow it, the answer in many cases is yes. But it must not be visible from the public right of way.

17. Can I replace anything inside?

Historic elements of some large buildings in Chicago are landmarked inside and out. For example, the lobby and the auditorium of the Chicago Theater are landmarked and cannot be destroyed. However, the CCL does not specifically designate the historic interiors of residential homes in landmark districts, so owners are free to remodel the interiors as they see fit. But, owners who wish to take advantage of the tax freeze program (see tax incentive pamphlet) may be required to retain and restore period moldings, doors, fireplaces, columns, etc. if they currently exist in any rooms facing the public right of way.

18. Can I paint my house any color I want to?

Yes. The CCL doesn't regulate paint color.

19. Does the commission control things like landscaping, driveways and sidewalks?

No. However, if you have a historic fence or garden wall, that may be included in the landmark designation and therefore wouldn't be able to be removed or altered. But, these historic elements would be identified to the owner in the designation report.

20. Is the city going to force me to restore my house back to the way it looked at the time it was built?

No. When a building is drawn into a new Landmark District, it's grandfathered in its present condition. You are not required to do anything to the home except maintain it to the minimum standards of the building code, something that is required of ALL property owners in the City of Chicago. You can replace non-historic elements in kind, like vinyl windows, or aluminum siding, or an asphalt roof, if that is what currently exists on your home. If you choose to do a full restoration in keeping with the Landmark District's character, the CCL will assist you in your renovation project to assure that it conforms to the original architecture as closely as possible.

These kinds of major renovation projects may qualify you for one or more tax breaks, as mentioned below in the “financial” section.

NOTE: The Architectural Review Committee evaluates each design issue on a case-by-case basis. The process is not meant to be adversarial, but to be collaborative with the homeowners in working towards solutions that will maintain the beauty and character of the neighborhood. For more information, contact the CCL at: 312-744-3200.

21. I own a vacant lot in a landmark district and it has its own tax ID number. Can I build a house on that lot?

Yes. As long as the design meets the CCL design standards.

PERMITS AND LEGAL ISSUES

22. Does being in a Landmark District increase the time it takes to get a building permit?

Generally not. The CCL pride themselves on their ability to process permits quickly. In 2004, over 88% of the permit reviews took one day or less. Otherwise, it depends on the circumstance. If it takes longer, it generally has more to do with such issues as zoning, heating or plumbing – not because of it being in a Landmark District.

23. Before I apply for a building permit for my landmarked home, may I seek guidance from the Landmarks Commission staff in order to ensure my new home or addition will meet their standards?

Yes. The Landmarks Commission staff is very willing to sit down with homeowners to discuss the renovation project, and offer guidance regarding new materials and design, and to help facilitate the project before a homeowner takes the risk of applying for a building permit.

24. Does a public process exist for me to address my concerns if I object to what I am asked to do to my house or to what my neighbors are doing to their house?

Yes, the CCL meets once a month, during which a design review committee will hear grievances in a public forum. It's an open, transparent process, where you have the opportunity to voice concerns about your own property, or that of your neighbor's.

25. If I sign a petition or a consent form in which I express my opinion as to whether or not my community should be landmarked, is that document legally binding?

No. Petitions and consent forms are non-legally binding public opinion surveys of resident property owners. Their purpose is to give the alderman a sense of how owners feel about this issue, which will help him/her determine whether or not to move forward with the process of the creation of a Landmark District.

FINANCIAL (PROPERTY VALUES, TAXES, INSURANCE)

26. What are the tax advantages – if any?

Owners of owner-occupied contributing buildings in any historic district may qualify for an 8 year tax freeze administered by the Illinois Historic Preservation Agency (IHPA) if they make a significant investment in rehabbing their property according to IHPA standards. Owners who invest 25% or more of the Assessed Market Value (as indicated on their Cook County tax bill) into renovations of their home, can freeze their taxes for 8 years. After 8 years the tax rate gradually increases over 4 years to the market rate.

27. What happens to my property value? Do property values go down in Landmark Districts?

The National Trust for Historic Preservation has analyzed numerous studies of property values in Landmark Districts throughout the country over the years. These studies have shown no indication that property values in landmark districts go down simply because they are landmark districts. In fact, these studies seem to indicate that the value of homes in landmark districts tend to appreciate at a slightly higher rate than similar building stock outside the district. There's no data that proves why that's so, but it is commonly thought that there is more predictability and physical stability in a landmark district. Properties tend to be improved rather than neglected and the neighborhood is safe from rampant and unregulated real estate speculation. Interestingly, real estate agents often use the headline "Landmark District" in their ads as an attractive selling point. An extensive study of New York City landmark districts commissioned by the New York City Budget Office in 2001 reinforces these earlier studies.

28. Would a landmark district prevent me from selling my contributing historic home to a developer for a tear-down.

Yes. However, owners of historic homes should not conclude that they would not be able to sell their home for a fair price or that the value of their investment will go down once a landmark district is enacted. The overriding market force behind the value of real estate has always been location, location, location. In many cities, including Chicago, landmark districts are often the most desirable and sought-after places to live. They tend to be stable and beautiful neighborhoods with a high degree of owner pride.

29. What happens to my property taxes?

Nothing. The Cook County Assessor does not use Landmark Districts as a criterion for determining property taxes.

30. What about my hazard insurance? Will my premiums go up?

No, landmark districts aren't generally used as a criterion in factoring insurance rates. However, if you have concerns, we recommend you talk directly with your insurance agent for a full understanding.

31. Why should I willingly give up the right to maximize the profit on the sale of my home if a developer offers me a lot of money for a tear-down?

This is the most common question asked and the most difficult to answer because it involves more than just monetary matters. Communities have to collectively decide what factors represent a livable environment and then balance those factors against their expected or assumed profit. If a person buys a property simply to maximize an investment, he or she may not take kindly to landmarking. However, if community residents value the beauty of their architecture, the scale of their neighborhood, the existing greenery and trees that may be destroyed by continued development, the consequences of their neighborhood becoming a continuous construction zone, or the possibility that new larger development may increase flooding or other water problems, they may consider giving up some freedom in order to protect the larger whole. Ultimately, the decision to landmark is in the hands of the community and the alderman. The important part of this process is that all of the facts, all of the pros and cons, and all points of view must be aired in an open and civilized forum so that the community can make an informed decision.

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Citizens advocating for the preservation of Chicago's historic architecture