

LIS PENDENS NOTICE OF
LAWSUIT SEEKING EQUITABLE
RELIEF
AND AFFECTING REAL
PROPERTY



LA SALLE NATIONAL BANK as TRUSTEE)
U/T NO. 104471 and H. REED HARRIS,)

Plaintiffs,)

v.)

No. 00 CH 16301

DUBIN RESIDENTIAL COMMUNITIES)
CORPORATION, an Illinois Corporation,)
DUBIN & ASSOCIATES, INC., an Illinois)
Corporation, FIRST BANK & TRUST)
COMPANY OF ILLINOIS TRUSTEE U/T NO.)
10-1950, 3213 N. WILTON CONDOMINIUM)
ASSOCIATION, an Illinois Not-For-Profit)
Corporation, and 3215 N. WILTON)
CONDOMINIUM ASSOCIATION, an Illinois)
Not-For-Profit Corporation.)

Defendants.)

LIS PENDENS NOTICE OF LAWSUIT SEEKING EQUITABLE RELIEF
AND AFFECTING REAL PROPERTY

Notice is hereby given pursuant to 735 ILCS 5/2-1901, that an action entitled, LaSalle National Bank as Trustee U/T No. 104471 and H. Reed Harris, (Plaintiffs) v. Dubin Residential Communities Corporation, an Illinois Corporation, Dubin & Associates, Inc., an Illinois Corporation, First Bank & Trust Company of Illinois, Trust #10-1950, 3213 N. Wilton Condominium Association, an Illinois Not-For-Profit Corporation, and 3215 N. Wilton Condominium Association, an Illinois Not-For-Profit Corporation, ("Defendants ") was commenced and is now pending in the Circuit Court of Cook County, Illinois, Chancery Division, Case No. 00 CH 16301

Plaintiffs allege in their Complaint that the four unit condominium building at 3213 N. Wilton, Chicago, and the six unit condominium building at 3215 N. Wilton, Chicago, are in violation of several provisions of the Chicago Zoning Ordinance. Plaintiffs seek a temporary and permanent injunction to compel compliance with the Chicago Zoning Ordinance, and other relief.

The Case involves two properties:

1. The real property at 3213 North Wilton, Chicago, Illinois, which is legally described as follows:

Lot 25 in Scudder's Subdivision of Lot in Block 2 of Hambleton, Weston and Davis' Subdivision of the South 1/2, of the Southeast 1/4, of the Southeast 1/4, of Section 20, Township 40 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois.

P.I.N. 14-20-426-051-0000, 14-20-426-051-1001, 14-20-426-051-1002, 14-20-426-051-1003 and 20-426-051-1004.

B. The real property at 3215 North Wilton, Chicago, Illinois, which is legally described as follows:

Lot 26 in (Scudder's) Subdivision of Lot in Block 2 of Hambleton, Weston and Davis' Subdivision of the South 1/2, of the Southeast 1/4, of the Southeast 1/4, of Section 20, Township 40 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois.

P.I.N. 14-20-426-052-0000, 14-20-426-052-1001, 14-20-426-052-1002, 14-20-426-052-1003, 14-20-426-052-1004, 14-20-426-052-1005 and 14-20-426-052-1006.

The violations of the Chicago Zoning Ordinance are alleged in paragraphs 28-34 of Plaintiffs' Complaint states as follows:

28. On information and belief as set forth in Paragraphs 1-27 of this Complaint, the 3213 Wilton Building is in violation of the following provisions of the Zoning Ordinance:

A. The conveyances by Dubin Residential to Trust #10-1950 after Dubin & Assoc. applied for and obtained its building permit diminished the 3213 Wilton "Zoning Lot" and violated Zoning Ordinances (i) §5.7-1 (Continued Conformity with Building Regulations), (ii) §5.7-2 (Division of Zoning Lot), §5.7-3 (Location of Required Open Spaces), .

B. The conveyances by Dubin Residential eliminated a portion of the North Side yard of the 3213 Wilton Property Zoning Lot and violated Zoning Ordinance §7.8-5 (and 7.8-4).

C. The conveyances by Dubin Residential eliminated a portion of the Rear Yard of the 3213 Wilton Property Zoning Lot and violated Zoning Ordinance §7.9-5 (and 7.9-4).

D. The 3213 Wilton Property provides off-street accessory parking for three

vehicles from the building at 3215 N. Wilton in violation of Zoning Ordinance §7.12-2, which Sections do not allow off-street accessory parking without a Special Use granted by the Zoning Board of Appeals, and no "Special Use" has been granted.

29. On information and belief the 3213 Wilton Building is also in violation of the following additional provisions of the Zoning Ordinance:

E. The 3213 Wilton Property does not have the handicapped parking space required by Zoning Ordinance §7.12(10),

F. The Front Yard of the 3213 Building extends one foot beyond the property line and encroaches onto the City of Chicago sidewalk and property. and

G. The application for the building permit (a) was filed by Dubin & Assoc. who claimed to be the "owner", but never was, and (b) was filed before Dubin Residential acquired title to the 3213 Wilton Property.

COUNT II - 3215 WILTON ZONING VIOLATIONS.

31. On information and belief the 3215 Wilton Building is in violation of the following Sections of the Zoning Ordinance:

A. The acquisition of part of the 3213 Wilton Property Zoning Lot land by Trust #10-1950 violated Zoning Ordinance (i) §5.7-1 (Continued Conformity with Building Regulations), (ii) §5.7-2 (Division of Zoning Lot), and (iii) §5.7-3 (Location of Required Open Space).

B. The 3215 Wilton Property without the illegally acquired extra land from the 3213 Wilton Zoning Lot does not provide the required off-street parking on its Property for six vehicles (one for each unit) as required by Zoning Ordinance §7.12-2,

C. The 3215 Wilton Property utilizes off-street accessory parking on the 3213 Wilton Zoning Lot in violation of Zoning Ordinance §7.12-2 which Section does not allow off-street accessory parking without a Special Use granted by the Zoning Board of Appeals, and no "Special Use" was obtained.

32. On information and belief the 3215 Wilton Building is also in violation of the following additional provisions of the Zoning Ordinance:

D. The 3215 Wilton Property has no minimum "Front Yard" (as defined by Zoning Ordinance §3.2 and required by §7.7-5), because the required Front Yard has been replaced by a submerged patio occupied by the owner of the basement apartment at the front of the building, and Zoning Ordinance § 3.2 "Yard" requires a "Front Yard" be "unoccupied".

E. The 3215 N. Wilton Property does not have the handicapped parking space required by Zoning Ordinance §7.12(10).

COUNT III - 3215 WILTON ZONING VIOLATIONS IN THE EVENT PLAINTIFFS

FAIL ON COUNT II.

34. In the event the Court determines that the conveyances described in Paragraphs 1-27 did not violate the Zoning Ordinance, then the 3215 Wilton Property is in violation of the following provisions of the Zoning Ordinance: because it has insufficient side yards.

(a) Zoning Ordinance §7.8-5 (and §7.8-4) require that in an R5 District, Side Yards be ten percent of the width of the Zoning Lot. 3215 Wilton has side yards of about 2.5 feet but side yards of 3.75 feet are required.

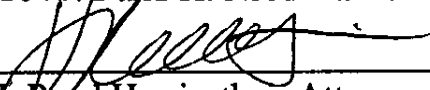
(b) Zoning Ordinance §3.2 "Lot Width" defines the "lot width" as the mean horizontal distance between the side lot lines. The side lot lines at the front of the lot are 25 feet. With the addition of the east 8 feet of the 3213 Wilton Property, the side lot lines at the rear of the lot are 50 feet because 25 feet from 3213 Wilton Property has been added to 25 feet of the 3215 Wilton Property. Therefore the "mean horizontal distance between the side lot lines are 37.5 feet (25 feet + 50 feet / 2 = 37.5 feet). Ten percent of 37.5 feet is 3.75 feet which is the required width of the sides yards, and the 3215 Wilton Property does not have side yards of 3.75 feet.

(c) With the addition of (a) the East 20 feet of the North 8 feet of the 3213 Wilton Zoning Lot, (b) the East 40 feet of the North 6 feet, and (c) the north 0.25 feet of the 3213 Wilton Zoning Lot, the South Side Yard is not perpendicular and at right angles in a straight line from the front property line to the rear property line in violation of Zoning Ordinance Section §3.2 "Yards" which provides "a 'yard' extends along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations for the zoning district in which such zoning lot is located."

If Plaintiffs are successful in their lawsuit, among other things, (a) the below ground patio in the front of the 3215 Wilton Building would have to be replaced by a "front yard", (b) the maximum number of dwelling units permitted on the 3215 Wilton Property would be less than six, (c) the maximum number of dwelling units permitted on the 3213 Wilton Property would be less than four, and (d) the encroachment of the 3213 Wilton Property onto City Property would be abated.



LaSalle National Bank as Trustee U/T
No. 104471 and H. Reed Harris

By 
H. Reed Harris, their Attorney
77 W. Washington St. Ste. 1620
Chicago, IL 60602-2903
(312) 346-4530