

Bond Case Briefs

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ZONING - ILLINOIS

Scott v. City of Chicago

Appellate Court of Illinois, First District, Fifth Division - March 13, 2015 - N.E.3d - 2015 IL App (1st) 140570

Residents, owners of residential property, brought an action against City of Chicago to challenge the city council's decision to rezone property on 53rd Street from retail zoning to a planned development pursuant to the Chicago Zoning Ordinance.

The Municipal Code requires plaintiffs to provide pre-suit notice of their intent to file a declaratory judgment action seeking to have the new zoning classification declared invalid. That notice must be provided to owners of all properties located within 250 feet in each direction of the location for which the variation or special use is requested.

Here, the plaintiffs mailed approximately 125 pre-filing notices, but did not attempt to send notice to at least 26 other property owners whose land was within 250 feet of the rezoned property.

The trial court granted Lake Park's motion to dismiss for failure to give pre-suit notice and the appeals court affirmed, finding that strict compliance with the pre-suit notice provision is required and that this was not an instance when substantial compliance was adequate.