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Signs of the times

Buildings department fines West Loop artist \$20,000, then backs off

09/02/2009 10:00 PM

By MICAH MAIDENBERG
Editor

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Kathy Kozan makes her living transforming blank spaces — bank lobbies, restaurants, hospitals, other institutions — into art. The practice thus made the two-story brick façade on the east side of her building at 808 W. Lake an irresistible target.

“I had this big side of a building that was just asking for a mural,” she recalled.

In the winter of 1997-98, Kozan started creating what she calls a “zig-zag mural.” She decorated either side of a triangle with an image and message, and mounted the pyramid onto a board.

The technique meant the piece would change depending on one’s angle. When viewers looked north along Halsted, they would see a scaled green lizard with the phrase “What Goes Around” across its top. Looking to the south reveals the Statue of Liberty and the words “Comes Around.”



Photos by MICAH MAIDENBERG/Staff



West Loop artist Kathy Kozan installed “What goes around ... comes around” in 1998.

Installed for the public in the spring of 1998, Kozan hoped the piece would spark a variety of reaction and critique.

“Artwork is really intended to provoke,” she said. “Part of it is you can look at it and make up your own mind about it.

This spring and summer, however, a Department of Buildings sign inspector offered his interpretation. It was something of an expensive one.

Alleging Kozan’s piece violated the city’s building code, the inspector summoned Kozan to court this July. An acquaintance who represented her at the hearing learned that each of the two alleged violations carried a minimum \$10,000 fine.

The inspector alleged Kozan failed to secure a permit before erecting a sign. A sign is defined as, essentially, a name or some form of display affixed to a building, structure or piece of land “which directs attention to an object, product, place, activity, person, institution, organization, or business,” according to city code. Signs must be permitted.

Kozan was outraged, and not merely about the size of the fine, nor the fact that the city was charging her 11 years after she hung the piece. Kozan feared the inspector was crossing a dangerous line, making a determination about artistic expression.

“I would never get a permit to put up artwork,” she said. “I have put artwork up on buildings all of my life.”

Such incursions have made the city's relationship to public displays of art somewhat tense, of late. This spring, a Streets and Sanitation crew painted over a mural by artist Gabriel Villa in Bridgeport on the orders of Ald. James Balcer (11th). Villa created the work with the go-ahead of the property owner.

Other parts of her building she has decorated, Kozan pointed out, were not fined.

Jon Pounds, the executive director of the non-profit Chicago Public Art Group, said if art like Kozan's piece needed a permit, the city was on a slippery slope.

"If the city in some capacity should have this permission option, ostensibly permission could be denied," he said. "If it's a piece of art expressing an idea and the city wanted to be in the position of permitting or not permitting it, you quickly get to censorship."

In Kozan's case, the Department of Buildings has backed down. Buildings spokesman Bill McCaffrey confirmed Monday the city would drop the case against her.

The department took a closer look at the alleged violations after calls from the media last week, and decided the inspector mistakenly wrote up Kozan's piece as an illegal, unpermitted billboard, McCaffrey said.

A property owner, he went on to say, can express any idea on the side of his or her building — he or she can create and display art — without asking the city for permission.

Such a permit would force the city to deal with much broader constitutional issues.

"You start to get into free speech rights, and we don't want to impede on those," he said, declining to comment on the Bridgeport incident.

But McCaffrey acknowledged inspectors sometimes have to make "judgment calls" about whether an image is art or advertising, which does require a permit.

Companies, he said, are using open-ended slogans in their campaigns — Pepsi's recent "Every generation refreshes the world" was one example he mentioned. The inspector in Kozan's case "erred on the side of caution," according to McCaffrey, and wrote up her piece, apparently unsure if its phrasing represented a private company.

For Pounds, from the public art group, the line on what is a sign and what is art is clear.

"If it's trying to sell something, if it's trying to sell a product or a service, it's a sign," he said. "If it's presenting an idea, it's a piece of art."

McCaffrey confirmed that approach, but Kozan alleges other forces were at play in her situation — namely the city's looming budget deficit. A representative from Buildings, she said, insisted her art was a sign and needed a permit, telling her the city was broke.

"You shouldn't be able to do this just because you can," she said. "That's an abuse of power."

McCaffrey said the department is trying to target large, illegal billboard operators, however. The city council bumped up fines for such signs from \$6,000 to \$10,000 last year.

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By rich b

Posted: 09/04/2009 3:59 PM

Sorry after ten years the city doesn't have a case. Even if it would have been illegal they waited far too long to do anything. There are too many rules in the city nowadays, art shouldn't be regulated anyway.

By FWStan from Kansas

Posted: 09/03/2009 5:00 PM

There may be some logic in requesting that a permit be issued, but not from the art content but on how the art is attached to the building. The city should be interested that the artwork will not fail in a storm, etc. This would be the only reason to require a permit.

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