

**ZBA  
MINUTES  
NOVEMBER 17, 2017**

**ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905**

**APPLICANT:** Juanita Reed and Treissa Griggs Burks

**CAL NO.:** 633-17-S

**APPEARANCE FOR:** Same as Applicant

**MINUTES OF MEETING:**  
November 17, 2017

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1421 W. 111<sup>th</sup> Street

**NATURE OF REQUEST:** Application for a special use to establish a hair / nail salon.

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

**DEC 15 2017**  
**CITY OF CHICAGO**  
**ZONING BOARD OF APPEALS**

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

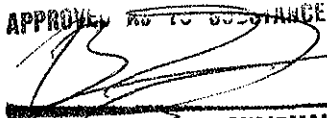
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 3, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a hair / nail salon at the subject site; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the special use is issued solely to the applicants, Juanita Reed and Treissa Griggs Burks.

That all applicable ordinances of the City of Chicago shall be complied with before a permit is issued.

**APPROVED**  
  
**CHAIRMAN**

**ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905**

**APPLICANT:** 1540 N. North Park, LLC

**CAL NO.:** 634-17-Z

**APPEARANCE FOR:** Nicholas Ftikas

**MINUTES OF MEETING:**  
November 17, 2017

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1540 N. North Park Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the front setback from the required 7.4' to 0.66', north setback from 4' to zero, south from 4' to 3' and the rear setback from 30' to 5.5' for a proposed four-story, seven dwelling unit building.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

**DEC 15 2017**  
**CITY OF CHICAGO**  
**ZONING BOARD OF APPEALS**

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		


**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 3, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the front setback to 0.66', north setback to zero, south to 3' and the rear setback to 5.5' for a proposed four-story, seven dwelling unit building; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the aforesaid variation request be and it hereby is granted subject to the following condition(s):

That all applicable ordinances of the City of Chicago shall be complied with before a permit is issued.

**APPROVED AS TO SUBSTANCE**  
  
**CHAIRMAN**

ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905

APPLICANT: Lakeside Community Committee CAL NO.: 635-17-S

APPEARANCE FOR: Sara Barnes MINUTES OF MEETING: November 17, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 11235-37 S. Dr. Martin Luther King Jr. Drive

NATURE OF REQUEST: Application for a special use to establish a transitional residence in five of the six existing dwelling units in an existing three-story residential building.

ACTION OF BOARD- APPLICATION APPROVED



THE VOTE

DEC 15 2017 CITY OF CHICAGO ZONING BOARD OF APPEALS

BLAKE SERCYE SHAINA DOAR SOL FLORES SAM TOIA AMANDA WILLIAMS

Table with 3 columns: AFFIRMATIVE, NEGATIVE, ABSENT. Rows show affirmative votes for Blake Sercye, Shaina Doar, Sol Flores, Sam Toia, and Amanda Williams.

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held November 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 3, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a transitional residence in five of the six existing dwelling units in an existing three-story residential building at the subject site; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the special use is issued solely to the applicant, Lakeside Community Committee, and the development is consistent with the design and layout of the plans and drawings dated November 8, 2017, prepared by Ellipsis Architecture.

That all applicable ordinances of the City of Chicago shall be complied with before a permit is issued.

APPROVED AS TO SUBSTANCE [Signature] CHAIRMAN

**ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905**

**APPLICANT:** Windy City Baseball, LLC

**CAL NO.:** 636-17-S

**APPEARANCE FOR:** James Stola

**MINUTES OF MEETING:**  
November 17, 2017

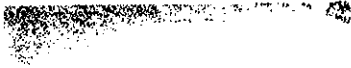
**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 5596 N. Northwest Highway

**NATURE OF REQUEST:** Application for a special use to establish an indoor Sports and Recreation, Participant (Indoor Batting Cages).

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**



**DEC 15 2017**

**CITY OF CHICAGO  
ZONING BOARD OF APPEALS**

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held November 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 3, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish an indoor Sports and Recreation, Participant (Indoor Batting Cages) at the subject site; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the special use is issued solely to the applicant, Windy City Baseball, LLC, and the development is consistent with the design and layout of the landscape plan dated November 14, 2017, prepared by SOMA Design Consultants, Inc.

That all applicable ordinances of the City of Chicago shall be complied with before a permit is issued.

**APPROVED AS TO SUBSTANCE**  
  
**CHAIRMAN**

**ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905**

**APPLICANT:** 3280 N. California, LLC

**CAL NO.:** 637-17-S

**APPEARANCE FOR:** Sara Barnes

**MINUTES OF MEETING:**  
November 17, 2017

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3280 N. California Avenue

**NATURE OF REQUEST:**

**ACTION OF BOARD-**  
Continued to December 15, 2017 at 2:00 p.m.

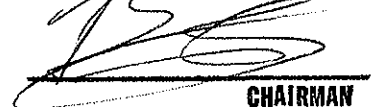
**THE VOTE**

DEC 15 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**APPROVED AS TO SUBSTANCE**



**CHAIRMAN**

**ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905**

**APPLICANT:** 3280 N. California, LLC

**CAL NO.:** 638-17-Z

**APPEARANCE FOR:** Sara Barnes

**MINUTES OF MEETING:**  
November 17, 2017

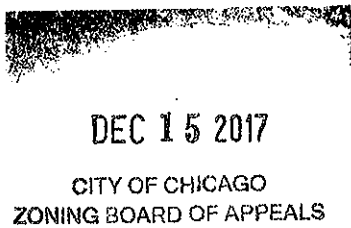
**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3280 N. California Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the front setback from the required 4.75' to 2', rear setback from 30' to zero on floors containing dwelling units, the enclosed garage setback from the rear property line from 2' to zero for a proposed five-story, twenty-five dwelling unit building with enclosed parking.

**ACTION OF BOARD-**  
**Continued to December 15, 2017 at 2:00 p.m.**

**THE VOTE**

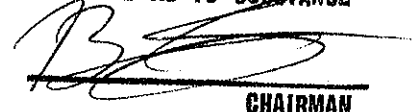


**DEC 15 2017**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**APPROVED AS TO SUBSTANCE**



**CHAIRMAN**

**ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905**

**APPLICANT:** 3280 N. California, LLC

**CAL NO.:** 639-17-Z

**APPEARANCE FOR:** Sara Barnes

**MINUTES OF MEETING:**  
November 17, 2017

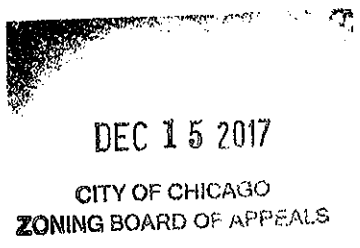
**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3280 N. California Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the required loading stall from one to zero for a proposed five-story, twenty-five dwelling unit building with enclosed parking.

**ACTION OF BOARD-**  
Continued to December 15, 2017 at 2:00 p.m.

**THE VOTE**



- BLAKE SERCYE
- SHAINA DOAR
- SOL FLORES
- SAM TOIA
- AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

**CHAIRMAN**



**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

City Hall Room 905  
121 North LaSalle Street  
Chicago, Illinois 60602  
TEL: (312) 744-3888



**JAN 22 2018**

**CITY OF CHICAGO  
ZONING BOARD OF APPEALS**

**Eco-Site, LLC**

APPLICANT

**640-17-S**

CALENDAR NUMBER

**8601-05 S. Racine Avenue**

PREMISES AFFECTED

**November 17, 2017**

HEARING DATE

**ACTION OF BOARD**

**THE VOTE**

The application for the special use is denied for the reasons set forth in this decision.

Blake Sercye  
Shaina Doar  
Sol Flores  
Sam Toia  
Amanda Williams

AFFIRMATIVE	NEGATIVE	ABSENT
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<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**FINDINGS OF THE ZONING BOARD OF APPEALS  
IN THE MATTER OF THE SPECIAL USE APPLICATION FOR 8601-05 S.  
RACINE AVENUE BY ECO-SITE, LLC**

**I. BACKGROUND**

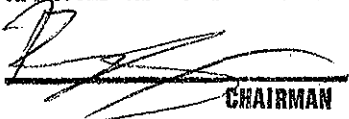
Eco-Site, LLC (the "Applicant") submitted a special use application for 8601-05 S. Racine Avenue ("subject property"). The subject property is currently zoned B3-1 and is currently vacant. The Applicant sought a special use to permit the establishment of a 120' monopole wireless communication facility. In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City's Department of Planning and Development ("Department") recommended approval of the proposed 120' monopole wireless communication facility provided that the site development was consistent with the design and layout of the overall site plan dated May 3, 2017, and prepared by WT Communication Design Group.

**II. PUBLIC HEARING**

**A. The Hearing**

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's special use application at its regular meeting held on November 17, 2017, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance and

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

by publication in the *Chicago Sun-Times*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure, the Applicant had submitted its proposed Findings of Fact. The Applicant's project manager Mr. Marc Samko and its attorney Ms. Meg George were present. The Applicant's real estate appraiser Mr. Terrance O'Brien was present. T-Mobile radiofrequency manager Mr. Amournath Algundji and T-Mobile site development manager Mr. Patrick Mahoney were also present. Testifying in opposition to the application was Ms. Angela Austin. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure. Prior to the beginning of the hearing, the ZONING BOARD OF APPEALS stated that it would not be allowing any testimony regarding issues that the ZONING BOARD OF APPEALS was federally preempted from considering.

The Applicant presented the testimony of Mr. Amournath Algundji. Mr. Algundji testified that he was a radiofrequency manager for T-Mobile and was authorized by T-Mobile to speak at the hearing. He testified that T-Mobile does computer modeling to determine if there is any area in need of coverage. He testified that in this instance T-Mobile determined there was a need in the location surrounding the subject property. He testified that T-Mobile also determined that a 120' tower was needed at this location and that no existing wireless facilities in the area met T-Mobile's engineering needs and requirements. He testified that, consequently, the proposed special use was needed. He testified that a wireless communications facility on the subject property would provide more reliable wireless coverage in the area, especially 911 connectivity.

The Applicant presented the testimony of Mr. Patrick Mahoney. Mr. Mahoney testified that he was employed by T-Mobile as a site development manager. He testified that he is responsible for driving site development forward to increase T-Mobile's coverage in Chicago and Milwaukee. He testified that after T-Mobile determined that there were no existing wireless facilities within the search ring provided by T-Mobile's radiofrequency department, T-Mobile reached out to the Applicant to search for a parcel of land to build a new wireless communication facility. He testified that the Applicant determined the subject property best fit T-Mobile's requirements.

The Applicant presented the testimony of Mr. Marc Samko. Mr. Samko testified that he was the Applicant's senior project manager for the central region. He testified that his duties consisted of searching for real estate that fit the criteria of T-Mobile's build-out plan as well as overseeing the federal and local permitting of the real estate chosen. He testified that T-Mobile notified the Applicant that a wireless communication facility was needed in the area. He testified that the Applicant used the search parameters given to them by T-Mobile's radiofrequency department. He testified that the Applicant then reached out to the owner to discuss leasing the subject property. He then testified to the Applicant's program of development for the subject property.

The ZONING BOARD OF APPEALS then made a few corrections to the record; namely that: (1) the Applicant was "Eco-Site, LLC" not "Eco-Site, Inc."; and (2) contrary to the Mr. Samko's affidavit, Mr. Samko's first name was "Marc" not "Michael."

The ZONING BOARD OF APPEALS then stated that it understood from the testimony presented by the Applicant that the Applicant's application would be in the interest of the public convenience as it would increase wireless connectivity and 911 access. However, the ZONING BOARD OF APPEALS stated it still had questions as to how the Applicant's proposed special use fit the other criteria of a special use, in particular, how the proposed special use was compatible with the surrounding area.

Mr. Samko further testified that after speaking with Mr. O'Brien and Ms. George, it was determined that placing the wireless communication facility on the subject property would have the least impact on the surrounding area.

The ZONING BOARD OF APPEALS then asked Mr. Samko where the "neighboring manufacturing area" referred to in paragraph 10 of his affidavit was located.

Ms. George stated that "neighboring manufacturing area" was a typographical error that would be corrected through testimony.

Mr. Samko then testified that the subject property was not located in a manufacturing area. He testified that the Applicant frequently located towers in "these types of areas."

The ZONING BOARD OF APPEALS then asked what "these types of areas" meant.

Ms. George explained that "these types of areas" referred to mixed residential and retail areas such as the B commercial zoning district surrounding the subject property.

In response to further questions by the ZONING BOARD OF APPEALS, Mr. Samko further testified that the Applicant had previously had a wireless communication facility approved by the ZONING BOARD OF APPEALS for the property 7356 S. Morgan Avenue, which property was located in a similar zoning district to the area surrounding subject property.

The Applicant presented the expert testimony of its real estate appraiser Mr. Terrance O'Brien. Mr. O'Brien testified that he was aware of at least eleven (11) other tower facilities within a 3-mile radius of the subject property. He testified that one of these eleven (11) towers had been approved by the ZONING BOARD OF APPEALS in December 2016. He then testified as to how, in his opinion, the Applicant's proposed special use met all necessary criteria under the Chicago Zoning Ordinance.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Algundji further testified that in determining that T-Mobile had a need for a wireless communication facility in this area, T-Mobile performed a study to determine how many people are able to connect to T-Mobile's network and to determine T-Mobile's network capacity. He testified that T-Mobile needs to maintain a certain amount of coverage, which T-Mobile defines as the ability to make and sustain a call. He testified that T-Mobile designs its wireless communication based on how good or how bad the coverage is in the area. He testified that in this particular area, T-Mobile determined that

additional coverage is required so that T-Mobile can service those indoors. He testified that T-Mobile's coverage study is ongoing and is sometimes dependent on the capacity T-Mobile's network requires as well as the number of customer complaints T-Mobile receives.

In response to further questions from the ZONING BOARD OF APPEALS, Mr. Algundji further testified that he just started in T-Mobile's Chicago market within the last six (6) months.

Mr. Mahoney then testified that T-Mobile's radiofrequency department created what is called a "search ring." He testified that T-Mobile had what was called a "center" which was the objective T-Mobile wanted to reach and the search ring was generally a radius around the center. He testified that for this particular search ring, T-Mobile had been looking for a new location since 2014. He testified that T-Mobile determined the search ring as a function based on the studies Mr. Algundji had just mentioned, such as customer complaints and data T-Mobile had from customers' usage.

Ms. George stated that the Applicant would provide the 2014 study for the ZONING BOARD OF APPEALS to review.

In response to further questions by the ZONING BOARD OF APPEALS, Mr. Algundji testified that the subject property was the best location T-Mobile identified.

Ms. George explained that the Applicant worked with the ward's alderman to identify a location for the Applicant's proposed wireless communication facility. She explained that in this case, the alderman identified the subject property, and it fit T-Mobile's criteria.

Mr. Mahoney testified that T-Mobile's search ring dated back to 2016.

The ZONING BOARD OF APPEALS then asked if the study was dated from 2014, why the search ring was dated from 2016.

Ms. George explained that the 2014 study simply stated that a location was needed in the area. She explained that a previous location had been identified but the alderman did not like the location. She explained that the Applicant therefore moved the location of the proposed wireless communication facility to the subject property.

The ZONING BOARD OF APPEALS then asked how paragraph 8 of Mr. Algundji's affidavit averring that there were no existing wireless communication facilities located in this geographic area that met the engineering requirements of T-Mobile fit with Mr. O'Brien's testimony of 11 other wireless communication facilities in the area.

Mr. Algundji testified that when T-Mobile designed a wireless communication facility, the design always depended on the height of the antennas. He testified that every wireless communication facility had its own range and said range depended on the height

of the antennas. He testified that despite existing sites, all sites could be at maximum capacity and a new wireless communication facility would be needed. He testified that in the telecommunications industry generally there will always be a need for new wireless communication facilities because capacity is always increasing. He testified that there is an ongoing assessment of T-Mobile's coverage to determine how many new wireless communication facilities are needed to fulfill additional capacity.

The ZONING BOARD OF APPEALS stated that it was looking at the picture attached to Exhibit 7 of the Applicant's exhibit booklet and then requested that Mr. O'Brien explain how the area surrounding the subject property was commercial in nature.

Mr. O'Brien testified that immediately to the south of the subject property was a one-story commercial brick building. He testified that when he referred to commercial area, he referred not only to the actual land use but also the zoning classification. He then testified as to the numerous allowed uses of the subject property under its current zoning classification.

The ZONING BOARD OF APPEALS acknowledged that there was commercial use in the area but that judging from the picture the area seemed, at least in terms of actual land use, to be a residential area. The ZONING BOARD OF APPEALS stated that it did not see a lot of large, tall commercial uses, and then asked for Mr. O'Brien's professional assessment of this.

Mr. O'Brien testified that a community shopping district zoning classification served a larger area than just a neighborhood because there also existed a neighborhood shopping district zoning classification. He testified that community districts tend to serve a much wider or broader area. He testified that with respect to the area in question, it was once a thriving commercial district but that some of the buildings have been demolished due to function obsolescence as well as physical deterioration.

Ms. Meg George then read into the record the definition of "community shopping district" as set forth under Section 17-3-0104-A the Chicago Zoning Ordinance.

The Department's Assistant Zoning Administrator Mr. Steven Valenziano testified that B1 zoning districts are considered neighborhood shopping districts which generally tend to have smaller size establishments with less traffic impact. He testified that a B3 zoning district is supposed to be drawing from a larger community rather than a smaller neighborhood and has more traffic as it is destination-type oriented retail. He testified that due to low traffic generation, wireless communication facilities were allowed as special uses throughout B and C zoning districts. He testified that if the Applicant were co-locating its wireless communication facility on an existing structure – such as an existing building or pole – the Applicant would be permitted as of right.

Ms. Angela Austin, of 8620 S. Racine and 8561 S. Marshfield, testified in opposition to the application. She testified that if the Applicant's proposed special use were established, her Montessori school would close its doors. She testified that the alderman

had previously objected to another location of the Applicant's proposed special use in the form of a letter, a copy of which she provided to the ZONING BOARD OF APPEALS.

Ms. George stated that said letter had been written with respect to a previous site and that the Applicant had a letter of support from the alderman for the subject property.

Ms. Austin then testified that it was her opinion that the Applicant should be providing jobs.

The ZONING BOARD OF APPEALS explained to Ms. Austin that there was no requirement in the Chicago Zoning Ordinance that the Applicant needed to provide jobs, and that the ZONING BOARD OF APPEALS would not be considering job creation when it deliberated on the Applicant's application.

In response to Ms. Austin's testimony, Mr. Mahoney testified that T-Mobile currently had twenty-nine (29) wireless communication towers attached to schools within the City.

Mr. Algundji then testified that better connectivity allowed retail and commercial uses to improve their services. He testified he had no specifics as to how many customer complaints T-Mobile received and was thus only speaking generally. He testified that customer complaints were only a portion of the T-Mobile's ongoing study and that other input criteria were budget, coverage and capacity requirements.

In response to further questions by the ZONING BOARD OF APPEALS, Mr. Samko testified that the previous site considered by the Applicant but rejected by the alderman was 8653 S. Racine. He testified that he believed the alderman did not feel the 8653 S. Racine location would work for the community.

#### B. Criteria for a Special Use for Freestanding Facilities

Pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance, no special use application may be approved unless the ZONING BOARD OF APPEALS finds that the proposed use in its proposed location meets all of the following criteria: (1) it complies with all applicable standards of the Chicago Zoning Ordinance; (2) it is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of the neighborhood or community; (3) it is compatible with the character of the surrounding area in terms of site planning and building scale and project design; (4) is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation; and (5) it is designed to promote pedestrian safety and comfort.

Pursuant to Section 17-9-0118-D(2) of the Chicago Zoning Ordinance, a special use application for a freestanding facility may not be granted unless the Applicant demonstrates to the reasonable satisfaction of the ZONING BOARD OF APPEALS that no existing facility or structure can accommodate the Applicant's proposed facility. Evidence submitted to demonstrate that no existing facility or structure can accommodate

the Applicant's proposed facility may consist of any of the following: (a) no existing wireless communications facilities are located within the geographic area required to meet the Applicant's engineering requirements; (b) existing wireless communication facilities are not of sufficient height to meet the Applicant's engineering requirements; (c) existing wireless communication facilities do not have sufficient structural strength to support the Applicant's proposed antenna and associated equipment; (d) the Applicant's proposed facility would cause electromagnetic interference with an antenna on the existing tower, or vice versa; or (e) the fees, costs, or contractual provisions required by the owner in order to share an existing wireless communication facility, or to adapt an existing wireless communication facility for sharing, are unreasonable (costs exceeding new facility development are presumed to be unreasonable).

### III. FINDINGS OF FACT

After careful consideration of the evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, the ZONING BOARD OF APPEALS hereby makes the following findings with reference to the Applicant's application for a special use pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance:

- 1. The proposed special use is not compatible with the character of the surrounding area in terms of site planning and building scale and project design.*

The Applicant proposes to erect a 120' monopole tower on the subject property. As shown by the photograph in Exhibit 7 of the Applicant's exhibit booklet, the surrounding area is made up of one to two story structures. A 120' monopole tower is not compatible with an area of one to two story structures in terms of site planning and building scale and project design. Indeed, the renderings of the proposed 120' monopole tower shown in Exhibit 3 of the Applicant's exhibit booklet make plain how out of character the 120' monopole tower would be. The rendering labeled "proposed facing east" is especially illuminating as it shows how the 120' monopole tower would rise far higher than any of the other structures in the area.

After careful consideration of the evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, the ZONING BOARD OF APPEALS hereby makes the following findings with reference to the Applicant's application for a special use pursuant to Section 17-9-0118-D(2) of the Chicago Zoning Ordinance:

- 1. The Applicant did not demonstrate to the reasonable satisfaction of the CHICAGO ZONING BOARD OF APPEALS that no existing facility or structure can accommodate the Applicant's proposed facility.*

Mr. Algundji, Mr. Mahoney and Mr. Samko all provided conclusory testimony that no existing facility or structure in the geographic area could meet T-Mobile's (and thus the Applicant's) engineering needs. However, when questioned by the

ZONING BOARD OF APPEALS, only Mr. Algundji attempted to answer why the eleven (11) existing wireless facilities in the geographic area could not meet T-Mobile's (and thus the Applicant's) engineering needs. Mr. Algundji testified that T-Mobile's engineering requirements with respect to designing the proposed facility were due to T-Mobile's ongoing study with respect to its network capacity and connectivity. Mr. Mahoney testified that this study dated from 2014. Ms. George stated that the Applicant would provide such study.

Ms. George then provided to ZONING BOARD OF APPEALS staff a one-page email from Mr. Algundji noting that "[i]n the last 3 months, we received 28 tickets for network issues for zip 60620." This statement was followed by small table breaking down the 28 tickets into general categories. Also attached to the email was a "site candidate information package" for a property not the subject of the hearing (i.e., the package was for 8632 S. Racine not 8601-05 S. Racine). The "site candidate information package" is utterly devoid of any network capacity or connectivity information. Further, the one-page email discussing the 28 tickets is devoid of any sort of context – such as how many total calls are generated within "zip 60620" in a 3 month period. In short, this "study" fails to provide any evidence that no existing facility or structure can accommodate T-Mobile's (and thus the Applicant's) proposed facility.

#### IV. CONCLUSION

For all of these reasons, the ZONING BOARD OF APPEALS finds that the Applicant has not proved its case by evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, covering the specific criteria for a special use for freestanding facilities pursuant to Sections 17-13-0905-A and 17-9-0118-D(2) of the Chicago Zoning Ordinance.

The ZONING BOARD OF APPEALS hereby denies the Applicant's application for a special use.

This is a final decision subject to review under the Illinois Administrative Review Law (735 ILCS 5/3-101 *et. seq.*).



ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905

APPLICANT: QF, LLC

CAL NO.: 641-17-S

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:  
November 17, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 100 E. Walton Street, Unit 600W

NATURE OF REQUEST: Application for a special use to establish a body art service.

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

DEC 15 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
		X
X		
X		
X		
X		

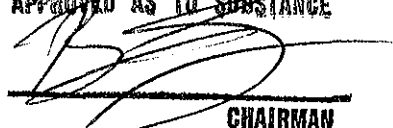
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 3, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a body art service at the subject site; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): (microblading) provided the special use is issued solely to the applicant, QF, LLC.

That all applicable ordinances of the City of Chicago shall be complied with before a permit is issued.

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

**ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905**

**APPLICANT:** Iain and Elizabeth Johnson

**CAL NO.:** 642-17-Z

**APPEARANCE FOR:** Sara Barnes

**MINUTES OF MEETING:**  
November 17, 2017

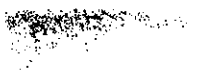
**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2649-51 W. Huron Street

**NATURE OF REQUEST:** Application for a variation to reduce the west setback from the required 2' to zero to subdivide an existing zoning lot into two zoning lots. The existing three- story, two dwelling unit building at 2649 W. Huron will remain, 2651 will be sold for development.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

  
**DEC 15 2017**  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

BLAKE SERCYE  
 SHAINA DOAR  
 SOL FLORES  
 SAM TOIA  
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
		X
		X
X		
X		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 3, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the west setback to zero to subdivide an existing zoning lot into two zoning lots. The existing three- story, two dwelling unit building at 2649 W. Huron will remain, 2651 will be sold for development. An additional variation was granted to the subject property in Cal. No. 643-17-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the aforesaid variation request be and it hereby is granted subject to the following condition(s):

That all applicable ordinances of the City of Chicago shall be complied with before a permit is issued.

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

**ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905**

**APPLICANT:** Iain and Elizabeth Johnston

**CAL NO.:** 643-17-Z

**APPEARANCE FOR:** Sara Barnes

**MINUTES OF MEETING:**  
November 17, 2017

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2649-51 W. Huron Street

**NATURE OF REQUEST:** Application for a variation to reduce the required rear yard open space from 252 square feet to zero in order to subdivide an existing zoning lot into two zoning lots. The existing three-story, two dwelling unit building at 2649 shall remain. 2651 shall be sold for development.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

  
**DEC 15 2017**  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

BLAKE SERCYE  
 SHAINA DOAR  
 SOL FLORES  
 SAM TOIA  
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
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X		
X		
X		

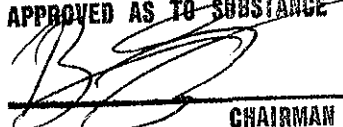
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 3, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the required rear yard open space to zero in order to subdivide an existing zoning lot into two zoning lots. The existing three-story, two dwelling unit building at 2649 shall remain. 2651 shall be sold for development. An additional variation was granted to the subject property in Cal. No. 642-17-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the aforesaid variation request be and it hereby is granted subject to the following condition(s):

That all applicable ordinances of the City of Chicago shall be complied with before a permit is issued.

**APPROVED AS TO SUBSTANCE**  
  
 CHAIRMAN

**ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905**

**APPLICANT:** Sulafa Solimon **CAL NO.:** 644-17-S

**APPEARANCE FOR:** Same as Applicant **MINUTES OF MEETING:**  
November 17, 2017

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 7560 N. Milwaukee Avenue

**NATURE OF REQUEST:** Application for a special use to establish a hair salon.

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

DEC 15 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
		X
		X
X		
X		
X		

**THE RESOLUTION:**


WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 3, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a hair salon at the subject site; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the special use is issued solely to the applicant, Sulafa Solimon.

That all applicable ordinances of the City of Chicago shall be complied with before a permit is issued.

**APPROVED AS TO SUBSTANCE**

  
\_\_\_\_\_  
**CHAIRMAN**

**ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905**

**APPLICANT:** DIYA 75<sup>th</sup> King, LLC **CAL NO.:** 645-17-S  
**APPEARANCE FOR:** Nicholas Ftikas **MINUTES OF MEETING:**  
November 17, 2017  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 7450 S. Martin Luther King Jr. Drive

**NATURE OF REQUEST:** Application for a special use to establish a one-lane drive through that will serve a proposed one-story fast food restaurant.

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

DEC 15 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
RECUSED		
X		

**THE RESOLUTION:**

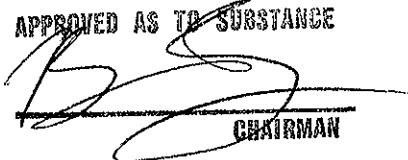
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 3, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a one-lane drive through that will serve a proposed one-story fast food restaurant at the subject site; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated October 3, 2017, including the site plan dated November 8, 2017, all prepared by Nick Scarlatis & Associates, Ltd.

That all applicable ordinances of the City of Chicago shall be complied with before a permit is issued.

APPROVED AS TO SUBSTANCE

  
CHAIRMAN

ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905

APPLICANT: The Lyte Collective

CAL NO.: 646-17-S

APPEARANCE FOR: Elizabeth Santis

MINUTES OF MEETING:  
November 17, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 7604 S. St. Lawrence Avenue

NATURE OF REQUEST: Application for a special use to establish a community center.

ACTION OF BOARD-  
Continued to January 20, 2018 at 2:00 p.m.

THE VOTE



DEC 15 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE



CHAIRMAN

**ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905**

**APPLICANT:** Shag A Salon, LLC

**CAL NO.:** 647-17-S

**APPEARANCE FOR:** Same as Applicant

**MINUTES OF MEETING:**  
November 17, 2017

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1420 W. Belmont Avenue, Unit 1A

**NATURE OF REQUEST:** Application for a special use to establish a hair salon.

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

**DEC 15 2017**  
**CITY OF CHICAGO**  
**ZONING BOARD OF APPEALS**

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
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X		
X		

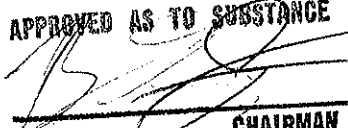
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 3, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a hair salon at the subject site; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the special use is issued solely to the applicant, Shag A Salon, LLC.

That all applicable ordinances of the City of Chicago shall be complied with before a permit is issued.

**APPROVED AS TO SUBSTANCE**  
  
**CHAIRMAN**

ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905

APPLICANT: Kay and Ron Cohn

CAL NO.: 648-17-Z

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:  
November 17, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 5626 N. Wayne Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 45' to 26.01', north and south setback from 2.66' each to zero for an existing 9' high x 45' liner wood fence on the north and south property line with a 9' high gate.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

DEC 15 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
ABSTAINED		
X		
X		
X		
X		

**THE RESOLUTION:**


WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 3, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 26.01', north and south setback to zero for an existing 9' high x 45' liner wood fence on the north and south property line with a 9' high gate; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the aforesaid variation request be and it hereby is granted subject to the following condition(s):

That all applicable ordinances of the City of Chicago shall be complied with before a permit is issued.

APPROVED AS TO SUBSTANCE

  
CHAIRMAN



ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905

APPLICANT: Renewal Group, LLC

CAL NO.: 649-17-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:  
November 17, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 6137 N. Ravenswood Avenue

NATURE OF REQUEST: Application for a variation to reduce the front wall setback to a side property line from the required 12' to 9', the rear wall setback to a side property line from 12' to 11' for a proposed three-story, five dwelling unit building townhouse building with a roof deck.

ACTION OF BOARD-  
Continued to December 15, 2017 at 2:00 p.m.

THE VOTE

DEC 15 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

*[Signature]*  
CHAIRMAN

**ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905**

**APPLICANT:** 744 Buckingham Place, LLC

**CAL NO.:** 415-17-Z

**APPEARANCE FOR:** Thomas Moore

**MINUTES OF MEETING:**  
November 17, 2017

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 742 W. Buckingham Place

**NATURE OF REQUEST:** Application for a variation to reduce combined side setback from 6.4' to 3'\* , and the rear setback from 39.10' to zero for a proposed four-story, four dwelling unit building with a detached garage and one parking space carport.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

  
 DEC 15 2017  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

BLAKE SERCYE  
 SHAINA DOAR  
 SOL FLORES  
 SAM TOIA  
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
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**THE RESOLUTION:**

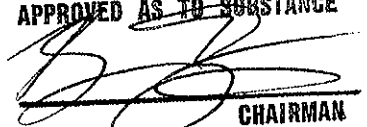
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 21, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 7, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce combined side setback to 3'\* , and the rear setback to zero for a proposed four-story, four dwelling unit building with a detached garage and one parking space carport. Two additional variations were granted to the subject property in Cal. Nos. 416-17-Z and 417-17-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the aforesaid variation request be and it hereby is granted subject to the following condition(s):

That all applicable ordinances of the City of Chicago shall be complied with before a permit is issued.

\*Amended at Hearing

**APPROVED AS TO SUBSTANCE**  
  
**CHAIRMAN**

**ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905**

**APPLICANT:** 744 Buckingham Place, LLC

**CAL NO.:** 416-17-Z

**APPEARANCE FOR:** Thomas Moore

**MINUTES OF MEETING:**  
November 17, 2017

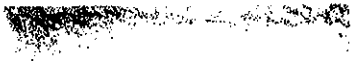
**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 742 W. Buckingham Place

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 39.10' to zero, east setback from 2.6' to zero for a proposed detached four car garage and one parking space carport.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**



**DEC 15 2017**

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
		X
		X
X		
X		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held July 21, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 7, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to zero, east setback to zero for a proposed detached four car garage and one parking space carport. Two additional variations were granted to the subject property in Cal. Nos. 415-17-Z and 417-17-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the aforesaid variation request be and it hereby is granted subject to the following condition(s):

That all applicable ordinances of the City of Chicago shall be complied with before a permit is issued.

**APPROVED AS TO SUBSTANCE**  
  
**CHAIRMAN**

ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905

APPLICANT: 744 Buckingham Place, LLC

CAL NO.: 417-17-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:  
November 17, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 742 W. Buckingham Place

NATURE OF REQUEST: Application for a variation to reduce the rear yard open space from the required 276.26 square feet to zero for a proposed four car garage and a one parking space carport.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

DEC 15 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
		X
		X
X		
X		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held July 21, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 7, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear yard open space to zero for a proposed four car garage and a one parking space carport. Two additional variations were granted to the subject property in Cal. Nos. 415-17-Z and 416-17-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the aforesaid variation request be and it hereby is granted subject to the following condition(s):

That all applicable ordinances of the City of Chicago shall be complied with before a permit is issued.

APPROVED AS TO SUBSTANCE

  
CHAIRMAN

**ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905**

**APPLICANT:** Steven Molo and Mary Molo

**CAL NO.:** 526-17-Z

**APPEARANCE FOR:** Gram Grady

**MINUTES OF MEETING:**  
November 17, 2017

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 341 W. Wellington Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 39.29' to zero, east setback from 5' to zero for a proposed 8' high privacy fence for the existing three-story, single family residence.

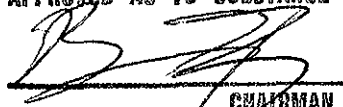
**ACTION OF BOARD-**  
**DISMISSED FOR WANT OF PROSECUTION**

**THE VOTE**

**DEC 15 2017**  
**CITY OF CHICAGO**  
**ZONING BOARD OF APPEALS**

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
		X
		X
X		
X		
X		

**APPROVED AS TO SUBSTANCE**  
  
**CHAIRMAN**

**ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905**

**APPLICANT:** McDonald's USA, LLC

**CAL NO.:** 570-17-S

**APPEARANCE FOR:** Mark Kupiec

**MINUTES OF MEETING:**  
November 17, 2017

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2844 W. 47<sup>th</sup> Street

**NATURE OF REQUEST:** Application for a special use to establish a dual lane drive-through to serve a proposed fast food restaurant.

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

DEC 15 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
RECUSED		
X		
X		
RECUSED		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held August 18, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on August 4, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a dual lane drive-through to serve a proposed fast food restaurant; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated May 4, 2017, prepared by Core States Group, as well as both the site and landscape plans dated November 13, 2017, prepared by Watermark Engineering Resources, Ltd.

That all applicable ordinances of the City of Chicago shall be complied with before a permit is issued.

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905

APPLICANT: Sandra Nunez

CAL NO.: 582-17-Z

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:  
November 17, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2532 W. 51<sup>st</sup> Street

NATURE OF REQUEST: Application for a variation to establish a Public Place of Amusement License to provide live entertainment, music, DJ and cover charge to a restaurant which is located within 125' of a residential district.

ACTION OF BOARD-  
Continued to December 15, 2017 at 2:00 p.m.

THE VOTE

DEC 15 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

  
CHAIRMAN

**ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905**

**APPLICANT:** 3045 W. 63<sup>rd</sup> Street

**CAL NO.:** 591-17-S

**APPEARANCE FOR:** Sara Barnes

**MINUTES OF MEETING:**  
November 17, 2017

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3045 W. 63<sup>rd</sup> Street

**NATURE OF REQUEST:** Application for a special use to establish a hair and nail salon.

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

DEC 15 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
		X
		X
X		
X		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 20, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a hair and nail salon at the subject site; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the special use is issued solely to the applicant, Get it Now Tax, LLC.

That all applicable ordinances of the City of Chicago shall be complied with before a permit is issued.

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**



**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

City Hall Room 905  
121 North LaSalle Street  
Chicago, Illinois 60602  
TEL: (312) 744-3888



JAN 22 2018

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

**Nandini Mishra d/b/a Mishra International  
Inc.**

APPLICANT

**609-17-S**  
CALENDAR NUMBER

**November 17, 2017**

HEARING DATE

**2000 W. Montrose Avenue**

PREMISES AFFECTED

**ACTION OF BOARD**

**THE VOTE**

The application for the special use is approved subject to the condition set forth in this decision.

Blake Sercye  
Shaina Doar  
Sol Flores  
Sam Toia  
Amanda Williams

AFFIRMATIVE	NEGATIVE	ABSENT
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**FINDINGS OF THE ZONING BOARD OF APPEALS  
IN THE MATTER OF THE SPECIAL USE APPLICATION FOR 2000 W.  
MONTROSE AVENUE BY NANDINI MISHRA D/B/A MISHRA  
INTERNATIONAL INC.**

**I. BACKGROUND**

Nandini Mishra d/b/a Mishra International Inc. (the "Applicant") submitted a special use application for 2000 W. Montrose Avenue (the "subject property"). The subject property is currently zoned B3-1 and is improved with a one-story six-unit strip mall. The Applicant proposed to open a nail salon in one of these six units ("proposed nail salon"). To establish the proposed nail salon, the Applicant sought a special use. In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City's Department of Planning and Development ("Department") recommended approval of the proposed nail salon provided that the special use was limited solely to the Applicant.

**II. PUBLIC HEARING**

**A. The Hearing**

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's special use application at its regular meeting held on November 17, 2017, after due notice

APPROVED AS TO SUBSTANCE

CHAIRMAN

thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Sun-Times*, and as continued without further notice pursuant to Section 17-13-0108 of the Chicago Zoning Ordinance. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure, the Applicant had submitted her proposed Findings of Fact. The Applicant Ms. Nandini Mishra and her husband Mr. Hanshan Mishra were present. The Applicant's certified general real estate appraiser Mr. Lev Novoseletsky was also present. Ms. Angie Khoyag and Mr. Anor Ensboth opposed the application. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

The ZONING BOARD OF APPEALS reminded all parties that it would not be considering any competition or economic based arguments.

The Applicant Mr. Nandini Mishra testified that she had five years' experience in the nail salon business. She testified that she currently works at a nail salon on Huron Street downtown. She testified that the proposed nail salon would have four chairs and would have the following hours of operation: Monday – Friday, 10:00 AM – 8:00 PM; Saturday-Sunday, 10:00 AM – 7:00 PM.

The Applicant presented the testimony of her certified general real estate appraiser Mr. Lev Novoseletsky. Mr. Novoseletsky testified that he had physically inspected the property and formulated an opinion that the Applicant's proposed nail salon would have a positive impact on the neighborhood as the unit the Applicant will be leasing has been vacant for over three years. He testified that the Applicant would be putting in additional lighting and that there was sufficient parking on the subject property to accommodate the Applicant's use.

Ms. Angie Khoyag, address unknown, testified in opposition to the application. She testified that she opposed the Applicant's application because her nail salon at 1962 W. Montrose is within 100 feet of the subject property.

Mr. Anor Ensboth, of 5356 N. Kenmore, testified in opposition to the application. He testified that there was an oversaturation of nail salons in the area. He testified that within a half-mile radius of the subject property, there were nine other nail salons.

The ZONING BOARD OF APPEALS stated that the arguments made by Ms. Khoyag and Mr. Ensboth were not zoning arguments but rather economic arguments.

In response to the testimony of Ms. Khoyag and Mr. Ensboth, Mr. Novoseletsky further testified that the subject property was west of Damen Avenue while 1962 W. Montrose was east of Damen Avenue.

#### B. Criteria for a Special Use

Pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance, no special use

application may be approved unless the ZONING BOARD OF APPEALS finds that the proposed use in its proposed location meets all of the following criteria: (1) it complies with all applicable standards of the Chicago Zoning Ordinance; (2) it is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of the neighborhood or community; (3) it is compatible with the character of the surrounding area in terms of site planning and building scale and project design; (4) it is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation; and (5) it is designed to promote pedestrian safety and comfort.

### III. FINDINGS OF FACT

After careful consideration of the evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, the ZONING BOARD OF APPEALS hereby makes the following findings with reference to the Applicant's application for a special use pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance:

1. *The proposed special use complies with all applicable standards of the Chicago Zoning Ordinance.*

The subject property is zoned B3-1. A nail salon use is consistent with this zoning classification. Were it not for the fact that another nail salon existed within 1000 feet of the subject property, the Applicant could establish its salon as of right. As the ZONING BOARD OF APPEALS has decided to grant the Applicant's special use, the special use complies with all applicable standards of the Chicago Zoning Ordinance.

2. *The proposed special use is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of the neighborhood or community.*

As Mr. Novoseletsky very credibly testified, the Applicant's proposed nail salon will fill a storefront on the subject property that has been vacant for three years. The Applicant will be putting in additional lighting, and the subject property has ample parking for the Applicant's customers. Although Mr. Ensboth argued that there was an "oversaturation" of nail salons in the area, the control or restriction of competition is not a proper or lawful zoning objective. *Cosmopolitan Nat. Bank v. Village of Niles*, 118 Ill.App.3d 87, 91 (1st Dist. 1983); *see also Lazarus v. Village of Northbrook*, 31 Ill.2d 146, 152 (1964).

3. *The proposed special use is compatible with the character of the surrounding area in terms of site planning and building scale and project design.*

The special use will be located within an existing six-unit strip mall.

4. *The proposed special use is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation.*

The Applicant's hours of operation – as testified to by Ms. Mishra – are compatible with other retail and commercial uses. As Mr. Novoseletsky testified, the Applicant will provide additional lighting, and the subject property has ample parking for the Applicant's customers.

5. *The proposed special use is designed to promote pedestrian safety and comfort.*

As noted above, the special use will be located within an existing six-unit strip mall which has ample parking.

#### IV. CONCLUSION

For all of these reasons, the ZONING BOARD OF APPEALS finds that the Applicant has proved its case by evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, covering the specific criteria for a special use pursuant to Sections 17-13-0905-A Chicago Zoning Ordinance.

The ZONING BOARD OF APPEALS hereby approves the Applicant's application for a special use, and pursuant to the authority granted to the ZONING BOARD OF APPEALS by Section 17-13-0906 of the Chicago Zoning Ordinance, the Zoning Administrator is authorized to permit said special use subject to the following conditions:

1. The special use shall be nontransferable and limited solely to Nandini Mishra d/b/a Mishra International Inc. In the event that another entity seeks to operate a nail salon on the subject property, a new special use shall be needed.

This is a final decision subject to review under the Illinois Administrative Review Law (735 ILCS 5/3-101 *et. seq.*).

**ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905**

**APPLICANT:** Suave Incorporated

**CAL NO.:** 650-17-S

**APPEARANCE FOR:** Thomas Moore

**MINUTES OF MEETING:**  
November 17, 2017

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 12717 S. Halsted Street

**NATURE OF REQUEST:** Application for a special use to expand an existing tavern into the rear one story portion of an existing one and two story mixed use building.

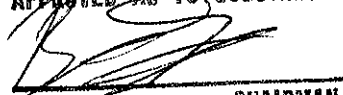
**ACTION OF BOARD-**  
Continued to December 15, 2017 at 2:00 p.m.

**THE VOTE**

**DEC 15 2017**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**APPROVED AS TO SUBSTANCE**  
  
**CHAIRMAN**

ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905

APPLICANT: Nelson Herrera CAL NO.: 651-17-S

APPEARANCE FOR: Same as Applicant MINUTES OF MEETING: November 17, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2245 N. Western Avenue

NATURE OF REQUEST: Application for a special use to establish a barber shop.

ACTION OF BOARD- APPLICATION APPROVED

THE VOTE

DEC 15 2017 CITY OF CHICAGO ZONING BOARD OF APPEALS

BLAKE SERCYE SHAINA DOAR SOL FLORES SAM TOIA AMANDA WILLIAMS

Table with 3 columns: AFFIRMATIVE, NEGATIVE, ABSENT. Rows show affirmative votes for Blake Sercye, Shaina Doar, Sol Flores, Sam Toia, and Amanda Williams.

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 3, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a barber shop at the subject site; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the special use is issued solely to the applicant, Nelson Herrera.

That all applicable ordinances of the City of Chicago shall be complied with before a permit is issued.

APPROVED AS TO SUBSTANCE

Signature of Chairman

CHAIRMAN

ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905

APPLICANT: Thomas Darwin

CAL NO.: 652-17-Z

APPEARANCE FOR: Amy Degnan

MINUTES OF MEETING:  
November 17, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3559 W. 115<sup>th</sup> Place

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 35.48' to 5.5', east setback from 4' to 2.9' (west to be 7'), combined side setback from 11.1' to 9.9' in order to legalize an existing detached two car garage with attic storage.

ACTION OF BOARD-  
Continued to December 15, 2017 at 2:00 p.m.

THE VOTE

DEC 15 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

*[Signature]*  
CHAIRMAN

**ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905**

**APPLICANT:** Armand & Sons, LLC

**CAL NO.:** 653-17-S

**APPEARANCE FOR:** Thomas Moore

**MINUTES OF MEETING:**  
November 17, 2017

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 4800 N. Clark Street

**NATURE OF REQUEST:** Application for a special use to establish a hair salon.

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

**DEC 15 2017**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

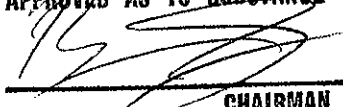
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 3, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a hair salon at the subject site; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the special use is issued solely to the applicant, Armond & Sons, LLC.

That all applicable ordinances of the City of Chicago shall be complied with before a permit is issued.

**APPROVED AS TO SUBSTANCE**  
  
**CHAIRMAN**



**ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905**

**APPLICANT:** J. Busby Joint Trust

**CAL NO.:** 654-17-Z

**APPEARANCE FOR:** Nicholas Ftikas

**MINUTES OF MEETING:**  
November 17, 2017

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1829 N. Honore Street

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 35' to 10.50', side setbacks from 2' to zero, combined side setback from 4.83' to zero for a proposed rear raised open deck with recreational features and a detached garage with roof deck at a height of 18.14'.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

DEC 15 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		


**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 3, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 10.50', side setbacks to zero, combined side setback to zero for a proposed rear raised open deck with recreational features and a detached garage with roof deck at a height of 18.14'; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the aforesaid variation request be and it hereby is granted subject to the following condition(s):

That all applicable ordinances of the City of Chicago shall be complied with before a permit is issued.

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

**ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905**

**APPLICANT:** J. Busby Joint Trust **CAL NO.:** 655-17-Z  
**APPEARANCE FOR:** Nicholas Ftikas **MINUTES OF MEETING:**  
November 17, 2017  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1829 N. Honore Street

**NATURE OF REQUEST:** Application for a variation to relocate the 225 square feet of rear yard open space to a deck that is more than 4' above grade.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

DEC 15 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 3, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to relocate the 225 square feet of rear yard open space to a deck that is more than 4' above grade; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the aforesaid variation request be and it hereby is granted subject to the following condition(s):

That all applicable ordinances of the City of Chicago shall be complied with before a permit is issued.

APPROVED AS TO SUBSTANCE

  
CHAIRMAN

**ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905**

**APPLICANT:** J. Busby Joint Trust

**CAL NO.:** 656-17-Z

**APPEARANCE FOR:** Nicholas Ftikas

**MINUTES OF MEETING:**  
November 17, 2017

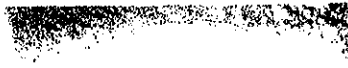
**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1829 N. Honore Street

**NATURE OF REQUEST:** Application for a variation to increase the area for an accessory building by no more than 10% from 480 square feet to 507 square feet (5.7%) for a proposed detached garage.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**



**DEC 15 2017**

**CITY OF CHICAGO  
ZONING BOARD OF APPEALS**

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 3, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to increase the area for an accessory building by no more than 10% to 507 square feet (5.7%) for a proposed detached garage; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the aforesaid variation request be and it hereby is granted subject to the following condition(s):

That all applicable ordinances of the City of Chicago shall be complied with before a permit is issued.

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**

**ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905**

**APPLICANT:** 3720 N. Ashland, LLC

**CAL NO.:** 657-17-Z

**APPEARANCE FOR:** Sara Barnes

**MINUTES OF MEETING:**  
November 17, 2017

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3720 N. Ashland Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback on floors containing dwelling units from the required 30' to 16.1' for a proposed four-story building with general retail sales and twelve dwelling units above.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

~~EXPIRES~~

DEC 15 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		


**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 3, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback on floors containing dwelling units from the required 30' to 16.1' for a proposed four-story building with general retail sales and twelve dwelling units above; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the aforesaid variation request be and it hereby is granted subject to the following condition(s):

That all applicable ordinances of the City of Chicago shall be complied with before a permit is issued.

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

ZONING BOARD OF APPEALS  
CITY OF CHICAGO

City Hall Room 905  
121 North LaSalle Street  
Chicago, Illinois 60602  
TEL: (312) 744-3888



DEC 15 2017

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

**McDonald's USA, LLC**  
APPLICANT

**658-17-S**  
CALENDAR NUMBER

**600 N. Clark**  
PREMISES AFFECTED

**November 17, 2017**  
HEARING DATE

**ACTION OF BOARD**

**THE VOTE**

		AFFIRMATIVE	NEGATIVE	ABSENT
The application for the special use is approved subject to the conditions specified below.	Blake Sercye (recused)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Shaina Doar	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Sol Flores	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Sam Toia (recused)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Amanda Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**FINDINGS OF THE ZONING BOARD OF APPEALS  
IN THE MATTER OF THE SPECIAL USE APPLICATION FOR 600 N. CLARK  
STREET BY MCDONALD'S USA, LLC**

**I. BACKGROUND**

McDonald's USA, LLC (the "Applicant") submitted a special use application for 600 N. Clark Street (the "subject property"). The subject property is currently zoned DX-7 and is partially improved with a two-story McDonald's restaurant ("restaurant") with a dual-lane drive-through. The Applicant proposed to completely renovate the existing restaurant and reconfigure the existing drive-through. To permit said renovation and reconfiguration, the Applicant sought a special use to permit the establishment of a dual-lane drive-through to serve the restaurant. In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City's Department of Planning and Development ("Department") recommended approval of the proposed drive-through provided that: (1) the development is consistent with the design and layout of the site plans, building plans and drawings dated November 17, 2017, and prepared by Ross Barney Architects; and (2) the development's final landscape plan is in full compliance with the Chicago Zoning Ordinance and meets the Department's approval in terms of layout and species.

**II. PUBLIC HEARING**

**A. The Hearing**

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's special use application at its regular meeting held on November 17, 2017, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Sun-Times*, and as continued without further notice pursuant to Section 17-13-0108 of the Chicago Zoning Ordinance. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure, the Applicant had submitted its proposed Findings of Fact. Mr. Max Carmona, an architect and design leader of the Applicant's global development team, and Mr. Tim Hinchman, the Applicant's attorney, were present. The Applicant's franchisee for the restaurant Mr. Nick Karavites, its project architect Ms. Chantelle Brewer, and its real estate appraiser Mr. Sylvester J. Kerwin, Jr. were also present. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

The Applicant presented the testimony of its architect and design leader for global development Mr. Max Carmona. Mr. Carmona testified to the reasons behind the proposed renovation of the restaurant and reconfiguration of the dual drive-lane drive-through.

The Applicant presented the testimony of its project architect Ms. Chantelle Brewer. Ms. Brewer testified to her program of renovation for the restaurant as well as the reconfiguration of the dual-lane drive-through.

The Applicant presented the testimony of its franchisee for the restaurant Mr. Nick Karavites. Mr. Karavites testified that if he were to testify at the hearing, his testimony would be consistent with the facts and beliefs stated in his affidavit submitted in the Applicant's proposed Findings of Fact.

The Applicant presented the expert testimony of its appraiser Mr. Sylvester J. Kerwin, Jr.. Mr. Kerwin testified that if he were to testify at the hearing, his testimony would be consistent with the facts and opinions stated in his written report submitted in the Applicant's proposed Findings of Fact.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Carmona and Mr. Karavites both further testified as to the role new technology – such as UberEATS – is changing the nature of the Applicant's drive-through services.

#### B. Criteria for a Special Use

Pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance, no special use application may be approved unless the ZONING BOARD OF APPEALS finds that the proposed use in its proposed location meets all of the following criteria: (1) it complies with all applicable standards of the Chicago Zoning Ordinance; (2) it is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of the neighborhood or community; (3) it is compatible with the character of the surrounding area in terms of site planning and building scale and project design; (4) it is

compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation; and (5) it is designed to promote pedestrian safety and comfort.

### III. FINDINGS OF FACT

After careful consideration of the evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, the ZONING BOARD OF APPEALS hereby makes the following findings with reference to the Applicant's application for a special use pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance:

1. *The proposed special use complies with all applicable standards of the Chicago Zoning Ordinance.*

Due to the conditions imposed by the ZONING BOARD OF APPEALS, the proposed special use complies with all applicable standards of the Chicago Zoning Ordinance.

2. *The proposed special use is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of the neighborhood or community.*

The proposed special use is in the interest of the public convenience as it will allow customers – including those delivery customers utilizing UberEATS – to continue to conveniently pick-up their food from this location. Further, as a dual-lane drive-through for the Applicant has already been at the subject property for more than thirty (30) years, it will not have a significant adverse impact on the general welfare of the neighborhood.

3. *The proposed special use is compatible with the character of the surrounding area in terms of site planning and building scale and project design.*

The proposed reconfiguration of the drive-through lane is being done in conjunction with the renovation of the Applicant's restaurant on the subject property. This renovation and reconfiguration will significantly improve traffic flow for on-site vehicular traffic, increase green space on the subject property and make the subject property more pedestrian friendly. In fact, as the subject property is an entire City block, the subject property will look more like an urban park due to the additional green space.

4. *The proposed special use is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation.*

As noted in the Mr. Kerwin's report, the Applicant's proposed special use will operate during similar hours as other existing fast food restaurants. The restaurant and its drive-through currently operate twenty-four hours a day seven days a week. This is consistent with other existing fast food restaurants in the vicinity. The Applicant's advertising signs will also be similar to other fast food restaurants in the area.

5. *The proposed special use is designed to promote pedestrian safety and comfort.*

The reconfigured dual-lane drive-through will make the subject property much more pedestrian friendly as it will allow more of the subject property to be opened up for pedestrian use.

#### IV. CONCLUSION

For all of these reasons, the ZONING BOARD OF APPEALS finds that the Applicant has proved its case by evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, covering the specific criteria for a special use pursuant to Sections 17-13-0905-A Chicago Zoning Ordinance.

The ZONING BOARD OF APPEALS hereby approves the Applicant's application for a special use, and pursuant to the authority granted to the ZONING BOARD OF APPEALS by Section 17-13-906 of the Chicago Zoning Ordinance, the Zoning Administrator is authorized to permit said special use subject to the following conditions:

1. The special use shall be developed consistent with the design and layout of the site plans, building plans, and drawings dated November 17, 2017, and prepared by Ross Barney Architects; and
2. The development's final landscape plan shall be in full compliance with the Chicago Zoning Ordinance and shall meet the Department's approval in terms of layout and species.

This is a final decision subject to review under the Illinois Administrative Review Law (735 ILCS 5/3-101 *et. seq.*).



**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

City Hall Room 905  
121 North LaSalle Street  
Chicago, Illinois 60602  
TEL: (312) 744-3888



**JAN 22 2018**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

**Edward Paliatka**  
APPLICANT

**5342 & 5352 W. Argyle Street**  
PREMISES AFFECTED

**659-17-Z,  
660-16-Z, 550-17-Z &  
551-17-Z**  
CALENDAR NUMBERS

**November 17, 2017**  
HEARING DATE

**ACTION OF BOARD**

**THE VOTE**

The applications for the variations are approved.

Blake Sercye  
Shaina Doar  
Sol Flores  
Sam Toia  
Amanda Williams

AFFIRMATIVE	NEGATIVE	ABSENT
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**FINDINGS OF THE ZONING BOARD OF APPEALS  
IN THE MATTER OF THE VARIATION APPLICATIONS FOR 5342 & 5352 W.  
ARGYLE STREET BY EDWARD PALIATKA**

**I. BACKGROUND**

Edward Paliatka (the "Applicant") submitted variation applications for 5342 W Argyle Street ("east property") and 5352 ("west property" and together with the east property, the "project property"). The project property is currently zoned RM-5 and is currently vacant. The Applicant proposed to erect one four-story twenty-four dwelling unit building on the east property and one four-story twenty-four dwelling unit building on the west property (each a "building" and collectively, the "buildings"). To permit the erection of the building on the east property, the Applicant sought variations on the east property to: (1) reduce the front setback from 12.96' to 10', the rear setback from 32.4' to 7.25', the west setback from 5' to 0' (east to be 10'), and the combined side setback from 22.5' to 10'; and (2) reduce the rear yard open space from 740 square feet to 0. To permit the erection of the building on the west property, the Applicant sought variations to: (1) reduce the front setback from 12.96' to 10', the rear setback from 32.4' to 7.25', and combined side setback from 22.5' to 10'; and (2) reduce the rear yard open space from the required 740 square feet to 0.

**II. PUBLIC HEARING**

**A. The Hearing**

**APPROVED AS TO SUBSTANCE**  
  
**CHAIRMAN**

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's variation application at its regular meeting held on November 17, 2017, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Sun-Times*, and as continued without further notice pursuant to Section 17-13-0108 of the Chicago Zoning Ordinance. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure, the Applicant had submitted his proposed Findings of Fact. The Applicant Mr. Edward Paliatka and his attorney Mr. John Pikarski were present. The Applicant's project architect Mr. Joseph Bernardi was also present. Testifying in support of the applications was Ms. Sara Gronkiewicz-Dorn. Testifying in opposition to the applications was Mr. Robert Bank. Alderman John Arena's chief of staff Mr. Owen Brugh was also present and testified in support of the applications.

The Applicant Mr. Edward Paliatka testified to his program of development for the project property. He testified that the buildings would be erected so that they created a "U" shape on the project property. He testified that in the center of this "U" shape would be almost 15,000 square feet of green space. He testified that the "U" shaped buildings would not alter the essential character of the neighborhood and, in fact, took their character from the property next west, that is to say the Jefferson Park CTA and METRA train terminal. He testified that the shape of the buildings on the project property necessitated the variations.

The ZONING BOARD OF APPEALS inquired as to how this was not a self-created hardship as the Applicant controlled how it erected the buildings on the project property.

The Applicant's attorney Mr. John Pikarski stated that the Applicant had originally proposed to build one rectangular shaped building on the project property but that the community had rejected this design. He stated that the Applicant's current design much better fit the community's ambience.

The Applicant presented the testimony of his project architect Mr. Joseph Bernardi. Mr. Bernardi testified that the project property had recently been re-zoned to RM-5 for the Applicant's buildings. He testified that the variations would not alter the essential character of the neighborhood because the project property was immediately adjacent to the Jefferson Park CTA and METRA train terminal and because the Applicant would be providing a one-to-one parking ratio. He testified that the requested variations would not impair light as the Applicant would have almost 15,000 square feet of green space in the middle of the building. He testified that the variations would not increase street congestions, would not increase the danger of fire or public safety, and would not diminish property values.

Ms. Sara Gronkiewicz-Dorn, of 5033 W. Windsor Avenue, testified in support of the applications. She testified that she was part of the Neighbors for Affordable Housing in Jefferson Park and that she supported the Applicant's applications because due to the

City's Affordable Requirements Ordinance, the Applicant would be providing five on-site affordable dwelling units.

Mr. Robert Bank, of 5506 N. Lotus, testified in opposition to the Applicant's applications. He testified that he believed the up-zoning of the project property to be egregious and that he had been told single-family homes would be built on the project property. He testified that the Applicant's new request for variations would create shadows on the neighboring homes. He testified that he had previously been shown a shadow study but now with this request for variations, the shadow study was useless. He testified that the general make-up of the neighborhood was two-flats and single-family homes. He then requested that the Applicant produce a new shadow study showing the effects of the requested variations and provide it to the community before proceeding with the request for variations.

In response to Mr. Bank's testimony, Mr. Pikarski stated that the shadow study had been done for the plan of development currently before the ZONING BOARD OF APPEALS. He submitted and the ZONING BOARD OF APPEALS received into evidence the Applicant's shadow study. He stated that the shadow study clearly took into consideration the height of the Applicant's proposed buildings as well as the alley separating the project property from the single-family homes to the north. He stated that due to the alley and the garages at the rear of the single-family homes, there was 50 to 60 feet separating the Applicant's proposed buildings from the green space of said single-family homes.

In response to Mr. Bank's testimony, the Assistant Zoning Administrator for the City's Department of Planning and Development ("Department") Mr. Steven Valanziano testified that Applicant had gone through the City's Type-1 rezoning process. He testified that during the rezoning process, the Department had reviewed the plans. He testified that when the Applicant came into receive its building permits, a plan examiner for the Department caught that the project property would technically become two zoning lots because of the separation of the buildings. He testified that due to this, the Applicant required relief with respect to the project property's side setbacks. He testified that because the Applicant's rezoning was a Type-1 rezoning, the proposed buildings themselves cannot change. He testified that therefore the height, width, setbacks, building materials and number of units of the proposed buildings could not change from the plans attached to City Council's rezoning ordinance for the project property.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Bernardi further testified that if the variations were not granted, the Applicant would have to build a taller, narrower building. He testified that as height was capped by the rezoning this would not be feasible.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Paliatka testified this taller, narrower building would diminish his rate of return on the project property because he would have to put smaller dwelling units in the buildings. He testified that the dwelling units in the proposed buildings are the size people like to rent

as they are comparable to dwelling unit size in the City's South Loop neighborhood. He testified that he had originally proposed developing the project property with condominium buildings but that Alderman Arena ("Alderman") wanted rental buildings. He testified that his original plan of one rectangular building was obviously much less expensive than the proposed buildings currently before the ZONING BOARD OF APPEALS.

Mr. Bank then testified that smaller dwelling units would not be a bad thing because it would reduce congestion in the neighborhood, especially with respect to the neighborhood's schools.

In response to Mr. Bank's testimony, Mr. Pikarski explained that the character of the neighborhood was taken from the Jefferson Park CTA and METRA train terminal which dictated multiple-unit housing on the subject property. He further explained that the Applicant would be providing a one-to-one parking ratio for the dwelling units.

The Alderman's chief of staff and general counsel Mr. Owen Brugh testified in support of the applications. He testified that the Applicant's proposed plan of development for the project property had not changed since the community met on it a year and a half prior. He testified that the original design the Applicant showed to the community was a giant rectangular building in the middle of the project property. He testified that this was a very suburban design and did not fit an urban environment, especially as the project property sits directly adjacent to the second largest transit center outside of the City's Loop. He testified that this is how the Applicant's "U" shape for the proposed buildings came about as the Applicant's proposed buildings are now designed to be similar to the many "U" shaped courtyard buildings throughout the City.

#### B. Criteria for a Variation

Pursuant to Section 17-13-1107-A of the Chicago Zoning Ordinance, no variation application may be approved unless the ZONING BOARD OF APPEALS finds, based upon the evidence presented to it in each specific case, that: (1) strict compliance with the standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships; and (2) the requested variation is consistent with the stated purpose and intent of the Chicago Zoning Ordinance.

Pursuant to Section 17-13-1107-B of the Chicago Zoning Ordinance, in order to determine that practical difficulties or particular hardships exist, the ZONING BOARD OF APPEALS must find evidence of each of the following: (1) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of the Chicago Zoning Ordinance; (2) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and (3) the variation, if granted, will not alter the essential character of the neighborhood.

Pursuant to Section 17-13-1107-C of the Chicago Zoning Ordinance, in making its determination of whether practical difficulties or particular hardships exist, the ZONING BOARD OF APPEALS must take into consideration the extent to which evidence has been submitted substantiating the following facts: (1) the particular physical surroundings, shape or topographical condition of the specific property involved would result in a particular hardship upon the property owner as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out; (2) the conditions upon which the petition for a variation is based would not be applicable, generally, to other property within the same zoning classification; (3) the purpose of the variation is not based exclusively upon a desire to make more money out of the property; (4) the alleged practical difficulty or particular hardship has not been created by any person presently having an interest in the property; (5) the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and (6) the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

### III. FINDINGS OF FACT.

After careful consideration of the evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, the ZONING BOARD OF APPEALS hereby makes the following findings with reference to the Applicant's applications for variations pursuant to Section 17-13-1107-A of the Chicago Zoning Ordinance:

1. *Strict compliance with the regulations and standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships for the subject property.*

Due to the project property's urban environment and its proximity to the second largest transit center outside of the City's loop, strict compliance with the regulations and standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships for the project property.

2. *The requested variations are consistent with the stated purpose and intent of the Chicago Zoning Ordinance.*

The requested variations maintain orderly and compatible land use and development patterns pursuant to Section 17-1-0508 and maintain a range of housing choices and options pursuant to Section 17-1-0511 of the Chicago Zoning Ordinance.

After careful consideration of the evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, the ZONING BOARD OF APPEALS hereby makes the following findings with reference to the Applicant's

applications for variations pursuant to Section 17-13-1107-B of the Chicago Zoning Ordinance:

1. *The property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of the Chicago Zoning Ordinance.*

As testified to by the Applicant, if the variations were not granted, the dwelling units would be smaller. This would lead to the project property not yielding a reasonable rate of return.

2. *The practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property.*

The project property's urban environment and specifically its proximity to the second largest transit center outside of the City's Loop are unique circumstances that are not generally applicable to other large pieces of residential property.

3. *The variations, if granted, will not alter the essential character of the neighborhood.*

Granting the variations will allow the Applicant to erect the buildings in a "U" shape with an interior courtyard, similar to many other residential buildings in the City. This will ensure that the essential urban character of the neighborhood is not altered but will instead be maintained.

After careful consideration of the evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, the ZONING BOARD OF APPEALS hereby makes the following findings with reference to the Applicant's applications for variations pursuant to Section 17-13-1107-C of the Chicago Zoning Ordinance:

1. *The particular physical surroundings, shape or topographical condition of the specific property involved would result in a particular hardship upon the property owner as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.*

The particular physical surroundings of the project property – that is its urban environment and its proximity to the second largest transit center outside of the City's Loop – would result in particular hardship upon the Applicant as distinguished from mere inconvenience, if the strict letter of the regulations were carried out.

2. *The conditions upon which the petitions for the variations are based would not be applicable, generally, to other property within the same zoning classification.*

The project property's urban environment and specifically its proximity to the second largest transit center outside of the City's Loop are not conditions applicable, generally, to other property within the RM-5 zoning classification.

3. *The purpose of the variation is not based exclusively upon a desire to make more money out of the property.*

As the Applicant testified, it would be far cheaper to erect a rectangular building on the project property. However, due to the community's desire to have a development that matched the urban environment of the neighborhood, the Applicant redesigned the proposed buildings so that they were similar to other courtyard residential buildings in the City.

4. *The alleged practical difficulty or particular hardship has not been created by any person presently having an interest in the property.*

The Applicant created neither the project property's urban environment nor its proximity to the second largest transit center outside of the City's Loop.

5. *The granting of the variations will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.*

As shown by the shadow study, the Applicant's proposed buildings will not be injurious to the property north of the project property. Further and as noted above, the variations will allow the Applicant to build buildings that fit into the urban environment of the neighborhood.

6. *The variations will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.*

As noted above, the Applicant's shadow study shows that the variations will not impair an adequate supply of light and air to adjacent property. The variations will not substantially increase congestion in the public streets as the Applicant will be providing a one-to-one parking ratio and the project property is directly adjacent to the Jefferson Park CTA and METRA train terminal. The variations will not increase the danger or fire or endanger the public safety as the proposed buildings cannot be erected without proper building permits from the City's Department of Buildings. Further, the variations will not diminish or impair property values within the neighborhood because the variations are being done to ensure that resulting development on the project property matches the urban environment of the neighborhood.

#### IV. CONCLUSION

For all of these reasons, the ZONING BOARD OF APPEALS finds that the Applicant has proved its case by evidence, testimony and the entire record, including the

Applicant's proposed Findings of Fact, covering the specific criteria for a variation pursuant to Sections 17-13-1107-A, B and C of the Chicago Zoning Ordinance.

The ZONING BOARD OF APPEALS hereby approves the Applicant's applications for variations, and the Zoning Administrator is authorized to permit said variations.

This is a final decision subject to review under the Illinois Administrative Review Law (735 ILCS 5/3-101 *et. seq.*).



**ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905**

**APPLICANT:** Jessica Shahbaz

**CAL NO.:** 525-17-Z

**APPEARANCE FOR:** Same as Applicant

**MINUTES OF MEETING:**  
November 17, 2017

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1415 N. Ashland Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from 30' to zero on floors containing dwelling units for a proposed second floor rear addition for the existing two-story building which contains one, second floor dwelling unit and a first floor small venue with retail sales.

**ACTION OF BOARD-**  
**VARIATION DISMISSED FOR WANT OF PROSECUTION**

**THE VOTE**

*[Faint stamp]*

**DEC 15 2017**  
**CITY OF CHICAGO**  
**ZONING BOARD OF APPEALS**

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**APPROVED AS TO SUBSTANCE**

*[Signature]*  
**CHAIRMAN**