

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



MAY 08 2014
CITY OF CHICAGO

John Morgan

APPLICANT

100-14-Z

CALENDAR NUMBER

3529 North Greenview Avenue

PREMISES AFFECTED

March 21, 2014

MINUTES OF MEETING

John Pikarski

APPEARANCE FOR APPLICANT

Frederic Rizzo

OBJECTOR

NATURE OF REQUEST

Application for a variation to reduce the rear yard setback from 34.65' to 22.67' and to reduce the south side yard setback from 3' to 1.6' for a proposed rear, one-story walkway connecting an existing single family residence to an existing garage.

ACTION OF BOARD

THE VOTE

The application for a variation is approved.

	AFFIRMATIVE	NEGATIVE	ABSENT
Jonathan Swain, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Catherine Budzinski	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sol Flores	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sheila O'Grady	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

THE RESOLUTION OF THE BOARD

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on March 21, 2014, after due notice thereof as provided under MCC Section 17-13-0107-B and by publication in the *Chicago Sun-Times*; and

WHEREAS, Mr. John Pikarski, counsel for the Applicant, summarized the facts of the history of the affected property and explained the underlying basis for the relief sought; that the Applicant was the developer of the subject property; that he represented not only the Applicant but also Mr. and Mrs. Robert Debolt who are the contract purchasers of the subject property; that both the Applicant and the Debolts seek a rear and south side yard variation for the subject property so that garage can be linked to the single family residence via a "breezeway" (aka "connector"); and

APPROVED AS TO SUBSTANCE

CHAIRMAN

WHEREAS, in response to questions by the Board, Mr. Pikarski explained that the hardship for this variation was threefold: (1) weather; (2) a growing family; and (3) without the variation, the market for the home would be substandard; and

WHEREAS, the Board informed Mr. Pikarski that weather and a growing family carried no weight before the Board as weather applies equally to all property in Chicago and many people have growing families; that if the Applicant wished to argue the substandard market issue, the Board would like to remind the Applicant that the Zoning Ordinance contemplates some measurable open space between a residence and an accessory building; and

WHEREAS, Mr. John Morgan, the Applicant, testified; that he is the president of Sylvan Properties; that Sylvan Properties is a general contractor operating in Lincoln Park and Lakeview; that he has been employed by Sylvan Properties for fourteen years; that Sylvan Properties currently has eight buildings under construction and has constructed approximately fifty buildings over the last fourteen years; that he is therefore very knowledgeable about the Lakeview area where the subject property is located; that he is currently improving the subject property with a single-family residence and garage; that the variation being sought is a 22.67' rear yard instead of a 34' rear yard as well as south side yard of 1.6' instead of 3'; and

WHEREAS, Mr. Robert DeBolt testified in support of the application; that he will be the owner of the subject property once the single-family residence is completed; that his father-in-law has ALS-like symptoms and a movement disorder; that his father-in-law is a regular houseguest; that he visits eight to ten weeks a year; and

WHEREAS, Mr. Morgan further testified the cost of the unimproved subject property is \$1.15 million; that the cost of construction is \$2.2 million; that after construction, the subject property will be worth \$3.3 million; that if the variation sought was not granted, the value of the land would be significantly reduced; that the neighbor next south of the subject property has given her approval for the variation; that the neighbor next south will be most affected by the variation; and

WHEREAS, a letter of recommendation from Mrs. Ada Garcia, the neighbor next south of the subject property, and a letter of recommendation from Alderman Tunney were submitted and accepted by the Board; and

WHEREAS, Mr. Kevin Klinger testified on behalf of the applicant; that he is the project architect for the single-family residence and garage; that his credentials as an expert in architecture were acknowledged by the Board; that the 3500 block of North Greenview is primarily brick single-family and two-unit homes; that the block is a mix of vintage and new construction and that a number of properties have reduced site lines via rear yard projections due to the homes actually being connected to the garage or connected via breezeways; that breezeways are a market necessity in the Greater Lakeview and Lincoln Park area; and

WHEREAS, in response to questions by the Board, Mr. Klinger further testified that home buyers in this area specifically want "an interior connection between the rear of the home and the garage"; that although a closed walkway between a primary and accessory building could be done via administrative adjustment, the rules regarding administrative adjustments are not clear; that therefore, applicants prefer to bring their case before the Board; that Mr. Klinger has gone through the administrative adjustment process for breezeways multiple times and each time he has been given a different requirement; that at times, the administrative adjustment process required a breezeway to be 3' wide; that a 3' width is very tight for a connection between a house and a garage; and

WHEREAS, Mr. Pikarski agreed with Mr. Klinger and stated that in his practice, he rarely took an administrative adjustment; that he was much more comfortable coming to Board as the Board had dates certain, hearings certain, and rules certain; and

WHEREAS, Mr. Klinger further testified that in his professional opinion, the variation being sought would not alter the essential character of the neighborhood as there are already several breezeways in the neighborhood; that breezeways are the trend of development in the Lakeview – Lincoln Park area; that the proposed variation would not be injurious to other properties in the neighborhood; that the proposed variation would not be detrimental to the welfare of the neighborhood; that Mr. Klinger sat down with Mrs. Garcia and showed her the plans for the proposed construction and explained the variation sought; that the proposed use will not in any way impair an adequate supply of light and air to the neighbors as the design for the home includes a 6' solid fence on both the north and south lot lines; that this 6' solid fence is legal and allowed; that the proposed variation will not increase congestion in the streets, will not increase the danger of fire or endanger public safety, and will not diminish property values; and

WHEREAS, Mr. Frederic Rizzo, of 3539 North Greenview, testified in opposition to the application; that he has resided at 3539 North Greenview for over thirty years; that 3537 North Greenview did not receive a breezeway because he and the local neighborhood association opposed it; that consequently, the owners of 3537 North Greenview withdrew their application for a breezeway; that he objected to the term "breezeways" as breezeways are essentially brick tunnels with no breeze; that the local community association consistently opposes breezeways; that the market is not substandard as evidenced by his neighbors who purchased a non-breezeway property for \$2.7 million in cash; that the variation sought is solely about the Developer wanting to make more money out of the subject property; that he believes granting such a variation would be poor public policy; that he has been a member of the local neighborhood association – the West Lakeview Neighbors – for over thirty years; that the West Lakeview Neighbors oppose these types of variations; that he does not know how the Applicant met with and received a letter of recommendation from Mrs. Garcia as she lives in El Salvador; that the neighbor next north of the subject property is currently in Florida; and

WHEREAS, Mr. Pikarski objected to Mr. Rizzo's testimony; that Mr. Klinger met face-to-face with Mrs. Garcia; that if the West Lakeview Neighbors truly objected to this,

the West Lakeview Neighbors would be here objecting as they are a viable, aggressive neighborhood group; that he objects to Mr. Rizzo stating what the West Lakeview Neighbors might have done; and

WHEREAS, in response to the Objector's testimony, Mr. Morgan further testified that he was not requesting the variation to maximize profit out of the subject property; that although he would obviously make money off the finished home, he had been directly asked by the DeBolts to add a breezeway; and

WHEREAS, in response to questions by the Board, Mr. DeBolt further testified the Applicant specifically put a breezeway into the plan for the home when the DeBolts contracted with the Applicant; that the DeBolts told the Applicant a breezeway was what they were looking for in a home; and

WHEREAS, Mr. Morgan further testified that Sylvan Properties did not maximize every square foot of the lot; that the house will be more saleable with a breezeway because people want breezeways; that every single client that comes to Sylvan Properties wants a breezeway, especially if the property is an extra wide lot; that the subject property is an extra wide lot as it is 36.5' in width; that therefore none of the backyard is being taken away for a breezeway; that when you do an appraisal on property, properties with breezeways in this area have a significant market increase; that properties without breezeways take a market hit on new construction homes; and

WHEREAS, 17-13-1101-B of the Chicago Zoning Ordinance grants the Zoning Board of Appeals authority to grant a variation to permit a reduction in any setback; now, therefore,

THE ZONING BOARD OF APPEALS having fully heard the testimony and arguments of the parties and as the decision of the Zoning Board of Appeals to approve a variation application must be based solely on the approval criteria enumerated in Section 17-13-1107-A, B and C of the Chicago Zoning Ordinance, and the Board being fully advised, hereby makes the following findings with reference to the Applicant's application for a variation:

1. The Board finds that pursuant to 17-13-1107-A the Applicant has proved his case by testimony and other evidence that a practical difficulty and particular hardship exists regarding the proposed use of the subject property should the requirements of the Zoning Ordinance be strictly complied with, and, further, the requested variation is consistent with the stated purpose and intent of the Zoning Ordinance;
2. The Board finds that pursuant to 17-13-1107-B that the Applicant has proved by testimony and other evidence that: (1) that due to the market conditions for new construction in the Greater Lakeview – Lincoln Park area, the subject property cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; (2) the practical difficulty or particular hardship of the property is due to market conditions for new construction combined with the medical condition of

Mr. Robert DeBolt's father-in-law; and (3) the variation, if granted, will not alter the essential character of the neighborhood as the neighborhood as evidenced by Mr. Klinger's expert testimony on the reduced site lines via rear yard projections in the 3500 block of North Greenview;

3. The Board, in making its determination pursuant to 17-13-1107-C that a practical difficulty or particular hardship exists, took into account that evidence was presented that: (1) the market conditions for new construction in the Greater Lakeview – Lincoln Park area, especially for extra wide lots such as the subject property, result in particular hardship upon the Applicant if the strict letter of the Zoning Ordinance were carried out; (2) the market conditions for new construction combined with the medical condition of Mr. DeBolt's father-in-law is not a circumstance generally applicable other property in RT-3.5 Zoning District; (3) as the DeBolts specifically requested the Applicant build a breezeway for Mr. DeBolt's father-in-law, profit is not the sole motive for the application; (4) the Applicant neither created the market conditions for new construction nor Mr. DeBolt's father-in-law's medical condition; (5) the variation being granted will not be detrimental to the public welfare or injurious to other property as the Applicant because the majority of homes in the area also have breezeways; and (6) the variation will not impair an adequate supply of light or air to the neighboring properties, 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.

RESOLVED, the Board finds that the Applicant has sufficiently established by testimony and other evidence covering the specific criteria for a variation to be granted pursuant to Sections 17-13-1107- A, B and C of the Chicago Zoning Ordinance.

RESOLVED, the aforesaid variation application is hereby approved, and the Zoning Administrator is authorized to permit said variation.

This is a final decision subject to review under the Illinois Administrative Review Act (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



MAY 08 2014
CITY OF CHICAGO

Reap Englewood NFP
APPLICANT

37-14-S
CALENDAR NUMBER

1850 West Garfield Boulevard
PREMISES AFFECTED

March 21, 2014
MINUTES OF MEETING

Alfred Ellis
APPEARANCE FOR APPLICANT

James Williams & Colette Johnson
OBJECTORS

NATURE OF REQUEST

Application for a special use to establish a transitional residence.

ACTION OF BOARD

THE VOTE

The application for a special use is approved.

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"/>

Jonathan Swain, Chair
Catherine Budzinski
Sol Flores
Sheila O'Grady
Sam Toia

THE RESOLUTION OF THE BOARD

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on March 21, 2014, after due notice thereof as provided under MCC Section 17-13-0107-B and by publication in the *Chicago Sun-Times*; and

WHEREAS, Mr. Alfred Ellis, the executive director of the Applicant, summarized the facts of the history of the affected property and explained the underlying basis for the relief sought; that the Applicant seeks a special use to establish a 12-bed transitional living facility at the subject property; that the facility will be servicing those recently released from the Illinois Department of Corrections; that the Applicant only serves men and only serves those that have been referred to the Applicant from the Illinois Department of Corrections Placement Resource Unit; that the Placement Resource Unit has a screening process; that the Applicant itself has certain limitations as to who it will and won't accept; that the Applicant only accepts men who come from minimum security prisons; that this means the Applicant does not accept violent offenders, only those

[Handwritten Signature]
SECRETARY

convicted of minor drug offenses and other minor offenses; that the Applicant has rules for its proposed facility; that the Applicant's curfew for the proposed facility would be: Sunday – Thursday, 11:00 PM, Friday – Saturday, 1:00 AM; that no visitors would be allowed in the facility's bedrooms; that the length of time any one person may stay at the facility will be 90 days with the ability to extend an additional 90 days, depending on any additional circumstances that might arise, such as educational needs; that therefore, the maximum length of stay for any one person at the proposed facility would be 180 days; that besides referral from the Department of Corrections, the Applicant will also look at a person's behavior while incarcerated; that the Applicant might refuse a referral based upon a person's behavior while incarcerated; that Mr. Ellis will live on the premises; that the Applicant also has a house manager; that the house manager has his credentials in drug counseling; that either he or the house manager will be onsite 24 hours a day; that he himself has a background in correctional work and has worked for both the Illinois Department of Corrections and the Lake County Sheriff's Department; that from 1999 until 2005, he was a senior parole officer; that since 2005, he has been retired; and

WHEREAS, Mr. Kareem Musawuir testified on behalf of the Applicant; his credentials as an expert in land use and planning were acknowledged by the Board; that he has physically inspected the subject property and its surrounding area; that the subject property is a former rectory and in very good condition; that the rectory was previously attached to a Catholic school; that the school is now an international charter school, and the Applicant is leasing the subject property with an option to purchase in the future; that the Applicant's program is developed to give people the tools they need to re-enter society, such as ID, education, employment training, and employment; that this is a necessary use in the neighborhood as without the Applicant's program, many of these people would just re-enter society without any of these tools; that the subject property has on-site parking; that the subject property is located in Englewood and although there is quite a bit of blight, there are also some bright spots in the neighborhood, such as the rehabilitation of the old grey and brownstones along Garfield Boulevard; that the facility will be appropriately managed due to Mr. Ellis' background and experiences; and

WHEREAS, Mr. Musawuir further testified that the proposed special use: (1) complies with all applicable standards of the Zoning Ordinance; (2) is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of the neighborhood; (3) 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; (5) and will promote pedestrian safety and comfort

WHEREAS, in response to questions by the Board, Mr. Ellis further testified that if someone came into the Applicant's facility and violated the rules, that person is automatically terminated from the program; that if a person is terminated from the program, the Applicant either calls the person's parole officer or 911; that the person is removed from the subject property and taken into custody by the Chicago Police or by the person's parole officer; that the person is then sent straight to Stateville Correctional

Facility, a maximum security prison; that the only grace provision to this automatic termination is if a person comes in under the influence of drugs or alcohol; that the person is then sent to a detox center such as Haymarket House; that the parole officer then determines if the person has violated the terms of his parole; and

WHEREAS, Mr. James Williams testified in opposition to the application; that he has lived in the neighborhood for over 25 years; that the neighborhood is a lot safer than it used to be; that there is less shooting and he feels comfortable living there; that he feels these people should be sent to their own homes and families and not sent to his neighborhood; and

WHEREAS, Ms. Carlette Johnson testified in opposition to the application; that she has lived in the neighborhood for 37 years; that she is uneasy about this type of facility in the neighborhood; that there is the same type of facility two blocks down from the subject property; that there is a school in the area; that she is concerned about the children; that the neighborhood has lots of drugs and she does not understand why you would want to put these type of people in an area with lots of drugs; that she is also concerned about the elderly, as her mother is 76 years old and has had break-ins; and

WHEREAS, in response to questions by the Board, Mr. Ellis testified that the facility two blocks from the subject property is Cornell Interventions; that Cornell Interventions is a drug treatment facility and is not specifically for ex-offenders and serves both men and women; that Cornell Interventions does hold a certain number of beds for the Illinois Department of Corrections but that he was not sure how many; and

WHEREAS, Mr. Musawuir further testified that Cornell Interventions is a former hospital facility that has been converted for alcoholism and drug treatment; that some individuals are sent there for a period of time and then released to other facilities; and

WHEREAS, Alderman Joann Thompson testified in support of the application; that she is the founder of the Applicant; that she is not aware of a lot of drug sales in the neighborhood; that she met with the principal of the charter school and got approval with the school for the proposed facility; that the Applicant has a 5 year leasing contract with the Archdiocese with an option to purchase the subject property; that prior to becoming Alderman, she was a lieutenant with the Cook County Sheriff's Department and is therefore very familiar with the people that will be serviced by the facility; that the Applicant has had a contract with the Illinois Department of Corrections since 2007 but is only now branching into housing ex-offenders; that she is willing to meet with the Objectors and discuss their concerns; that many of those that will be serviced by the facility are from the Englewood community and that Englewood cannot turn its back on its own people; and

WHEREAS, the staff of the Department of Planning and Development recommended approval of the proposed 12-bed transitional residence; now, therefore

THE ZONING BOARD OF APPEALS having fully heard the testimony and arguments of the parties and being fully advised, 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 this Zoning Ordinance;
2. The proposed special use is in the interest of the public convenience because it provides tools for ex-offenders to re-enter society. Further, the proposed special use will not have a significant adverse impact on the general welfare of the neighborhood due to Mr. Ellis' expert management;
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 because it will be utilizing an existing building;
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;
5. The proposed special use will promote pedestrian safety and comfort as it has on-site parking.

RESOLVED, the Board finds that the Applicant has proved its case by testimony and evidence covering the five specific criteria of Section 17-13-0905-A of the Chicago Zoning Ordinance.

RESOLVED, the aforesaid Special Use application is hereby approved, and the Zoning Administrator is authorized to permit said special use.

This is a final decision subject to review under the Illinois Administrative Review Act (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



MAY 08 2014
CITY OF CHICAGO

Theodore Fisher

APPLICANT

13-14-Z
CALENDAR NUMBER

416 West Webster Avenue

PREMISES AFFECTED

March 21, 2014
MINUTES OF MEETING

Jim Banks

APPEARANCE FOR APPLICANT

Matthew Allee

OBJECTOR

NATURE OF REQUEST

Application for a variation to reduce the rear yard setback from 25.48' to 0'; to reduce the combined side yard setback from 5' to 0'; and to reduce the rear alley line setback from 1' to 0' for a proposed two-car attached garage with a partially-trellised and partially covered deck connected to an existing three story single-family residence.

ACTION OF BOARD

THE VOTE

The application for a variation is approved.

Jonathan Swain, Chair
Catherine Budzinski
Sol Flores
Sheila O'Grady
Sam Toia

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

THE RESOLUTION OF THE BOARD

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on March 21, 2014, after due notice thereof as provided under MCC Section 17-13-0107-B and by publication in the *Chicago Sun-Times*; and

WHEREAS, Mr. Jim Banks, counsel for the Applicant, summarized the facts of the history of the affected property and explained the underlying basis for the relief sought; that the subject property is currently improved with a three-story red brick and limestone single family house; that the home dates back to the late 1880s or early 1890s and is a featured building within the Mid-North Historic District; that the Applicant is proposing an extensive interior rehab of his home; that the Applicant is also proposing to remodel and rebuild the existing rear deck system and existing enclosed walkway from the home

APPROVED AS TO SUBSTANCE

CHAIRMAN

to the garage; that the Applicant plans to build a new two-car garage on the subject property; that to permit all of this exterior work, the Applicant is seeking a variation to reduce the combined side setback, reduce the rear setback, and reduce the rear alley line setback; and

WHEREAS, Dr. Theodore Fisher, the Applicant, testified; that he resides on the subject property with his wife and their three children; that he is planning an extensive interior renovation of the existing home; that no zoning relief is required for this interior renovation; that he is also planning to reconstruct the home's multi-level decking system; that the decking system currently exists at the rear of the subject property; that he is also planning to construct a new attached garage; that the new garage will replace the current attached garage; that the new garage will have a roof top deck; that the existing multi-level decking system begins at the rear of the home, covers the width of the lot, and extends to the edge of the existing garage; that the existing decking system provides an enclosed walkway that connects the current garage to the home; that this decking system existed when the Applicant purchased the property in 2007; that to his knowledge, it also existed many years prior to that; that the decking system was done in piecemeal over the years and presently has safety issues, such as broken and uneven pieces of wood, missing wood pieces, and uneven steps; that the deck also has a severe rodent problem; that the Applicant therefore proposes to build a new attached garage and reconstruct the decking system; that the new deck would – like the existing deck – span the entire width of the lot and extend above the garage to the rear of the subject property; that these are the existing setback conditions on the subject property; that the reconstructed deck would provide the Applicant and his family 900 square feet of usable outdoor space; that to permit the attached garage and deck, the Applicant seeks a variation; that the Applicant needs the variation to rebuild what he already has; that the Applicant needs the reduction in the combined side yard setbacks from 5' to 0' to reuse the existing deck's footprint; that the Applicant needs the reduction of the rear setback from 25.4' to 0' to permit the back end of the deck as well as rebuild the existing enclosed connection between the existing garage and the existing home; that the reduction in the alley line setback from the required 1' to 0' is needed to allow the Applicant to reuse the garage's existing footprint; that the Applicant's variation will have no impact on either of the neighbors because the reduced setbacks currently exist on the subject property; that the Applicant is making a large investment in his home and intends to live at the home in the future; that the Applicant has shown his neighbors the plans for the deck and garage, and none of his neighbors objected; that the Applicant's neighbors have similar conditions to the Applicant's request; and

WHEREAS, Mr. Cyrus Revetna testified on behalf of the Applicant; his credentials as an expert in architecture were acknowledged by the Board; that he is the architect for the both the proposed interior renovation and the deck reconstruction; that the existing garage has a wood frame and is in deteriorating condition; that the wood deck attaching the garage to the existing garage was built piecemeal, meaning it is not cohesive and creates impractical spaces; that the current garage does not have enough headspace for two cars; that the new garage will have enough headspace to park two cars; that the proposed garage and deck are similar to the existing garage and deck but much more

practical; that the new garage and deck will be all non-combustible masonry construction which will improve fire resistance; that the current deck and garage have significant drainage problems; that the new garage and deck will have a comprehensive drainage plan to alleviate such problems; that the garage and deck system currently exists; that therefore, the requested variation currently exists on the subject property today; that he intentionally matched the proposed garage and deck to what exists on the property today; that he tailored his plan to match the pattern of development in the area, especially with regards to the neighbor next east and west; that the Applicant has received approval from all his neighbors for the proposed garage and deck; that the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the area; that in his professional opinion, the variation will supply the same amount of light and air to the adjacent property as the adjacent property receives now; that the variation will not increase the danger of fire or endanger the public safety; that, on the contrary, the variation will decrease the danger of fire and improve public safety as the existing wood frame will be replaced with all masonry non-combustible construction; that the variation will decrease parking congestion in the neighborhood as the new garage will be functional and allow for two-car parking; that the variation will improve property values as the current deck and garage system are in very poor condition and the replacement deck and garage system will look much nicer; that the variation will not alter the essential character of the neighborhood as he and his team have intentionally designed the new deck and garage to fit in with the historic character of the neighborhood; and

WHEREAS, Mr. Matthew Allee, staff member for Alderman Michele Smith, testified in opposition to the application; that he then read a letter from Alderman Smith into the record; that the Alderman opposed the application for the following reasons: (1) the Alderman believes the Applicant is attempting to develop a three-car tandem park garage, a proposal without precedent in the 43d Ward; (2) that while the Alderman recognizes that many of the current property structures on the subject property are non-conforming, the Applicant's request for relief cannot possibly justify the expansion of the garage at the expense of open space; (3) that the Alderman does not believe the Applicant's request for a variation meets the criteria set forth in MCC Section 17-13-1107(b) because: (a) the Alderman met with the Applicant and the Applicant provided no evidence that a garage connector or a three-car garage was necessary to yield a reasonable return on the subject property; (b) the lot in question is a standard City lot and therefore has no practical difficulties or hardships, especially as allowing a three-car garage is a dangerous precedent; (c) by allowing an enclosed connector between the house and the garage, the variation would alter the essential character of the neighborhood; and

WHEREAS, in response to the Objector's testimony, Mr. Banks explained that the Applicant proposed to build a new two-car garage not a three-car garage; that the Applicant's hardship is the existing condition of the 1880s or 1890s building and the Applicant's attempt to work with these existing conditions; that the Alderman is attempting to paint all connectors and deck systems with a broad brush and not looking at each particular home and situation; and

WHEREAS, 17-13-1101-B of the Chicago Zoning Ordinance grants the Zoning Board of Appeals authority to grant a variation to permit a reduction in any setback; now, therefore,

THE ZONING BOARD OF APPEALS having fully heard the testimony and arguments of the parties and as the decision of the Zoning Board of Appeals to approve a variation application must be based solely on the approval criteria enumerated in Section 17-13-1107-A, B and C of the Chicago Zoning Ordinance, and the Board being fully advised, hereby makes the following findings with reference to the Applicant's application for a variation:

1. The Board finds that pursuant to 17-13-1107-A the Applicant has proved his case by testimony and other evidence that a practical difficulty and particular hardship exists regarding the proposed use of the subject property should the requirements of the Zoning Ordinance be strictly complied with, and, further, the requested variation is consistent with the stated purpose and intent of the Zoning Ordinance;
2. The Board finds that pursuant to 17-13-1107-B that the Applicant has proved by testimony and other evidence that: (1) whether or not the property can yield a reasonable return is not material as the Applicant will continue to both reside at and own the subject property; (2) the practical difficulty or particular hardship of the property is due to the unique circumstance of the current improvements to the subject property, specifically the late 1880s or early 1890s residence and its deteriorating deck system and garage; and (3) the variation, if granted, will not alter the essential character of the neighborhood as the Mr. Revetna intentionally designed the proposed deck system and garage to fit in with the historic character of the neighborhood;
3. The Board, in making its determination pursuant to 17-13-1107-C that a practical difficulty or particular hardship exists, took into account that evidence was presented that: (1) the current improvements to the subject property, specifically the late 1880s or early 1890s residence and its deteriorating deck system and garage, would result in particular hardship to the Applicant were the strict letter of this Zoning Ordinance carried out; (2) the current improvements to the subject property, specifically the late 1880s or early 1890s residence and its deteriorating deck system and garage, is not a condition generally applicable to an RM-5 Zoning District; (3) as the Applicant currently resides at and owns the subject property and will continue to do so in the future, profit is not the sole motive for the application; (4) the Applicant did not create the hardship in question as it existed when the Applicant purchased the home; (5) the variation being granted will not be detrimental to the public welfare or injurious to other property as the Applicant will be making a significant visual improvement to the exterior of his property; and (6) the variation will not impair an adequate supply of light or air to the neighboring properties as the reduced setback situation already exists, 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.

RESOLVED, the Board finds that the Applicant has sufficiently established by testimony and other evidence covering the specific criteria for a variation to be granted pursuant to Sections 17-13-1107- A, B and C of the Chicago Zoning Ordinance.

RESOLVED, the aforesaid variation application is hereby approved, and the Zoning Administrator is authorized to permit said variation.

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