

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



DEC 24 2015
CITY OF CHICAGO

La Casa Norte

APPLICANT

425-15-S & 426-15-Z
CALENDAR NUMBERS

3527-33 W. North Avenue

PREMISES AFFECTED

November 20, 2015

HEARING DATE

Danielle Cassel

APPEARANCE FOR APPLICANT

April Lippert

OBJECTOR

NATURE OF REQUESTS

Application for a special use to establish a five-story building with a community center on the ground floor and 25 dwelling units on floors two through five; nine surface parking spaces will be located in the rear.

Application for a variation to reduce the rear yard setback from 30' to 0' for a proposed five-story building with a community center on the ground floor and 25 dwelling units on floors two through five; nine surface parking spaces will be located in the rear.

ACTION OF BOARD

THE VOTE

The application for a special use is approved subject to the condition specified in this decision. The application for a variation is approved.

Jonathan Swain, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sol Flores (recused)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sheila O'Grady	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Blake Sercye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

APPROVE

DENY

ABSENT

THE RESOLUTION OF THE BOARD

WHEREAS, a public hearing was held on these applications by the Zoning Board of Appeals ("Board") at its regular meeting held on November 20, 2015, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance ("Zoning Ordinance") and by publication in the *Chicago Sun-Times*; and

WHEREAS, Ms. Danielle Cassel, counsel for the Applicant, explained the underlying basis for the relief sought; that the special use and variation currently before the Board were identical to the special use and variation the Board approved on January 20, 2012, but due to lack of funding, the project is just proceeding now; and

APPROVED AS TO SUBSTANCE

CHAIRMAN

WHEREAS, Mr. Rodrigo Carillo testified on behalf of the Applicant; that he is the Applicant's Director of Operations; that subject property is comprised of four (4) lots; that the westernmost lot is currently improved with a two-story building owned by the Applicant; that the Applicant provides counseling and social services to the homeless and other at-risk people from this building; that the other three (3) lots are also owned by the Applicant and currently improved with a vacant and dilapidated two-story structure; that the Applicant intends to demolish the two existing structures and create a new mixed-use development with extensive green building features, 25 government subsidized dwelling units, a multi-purpose community center, and offices for the Applicant; that the targeted population for the dwelling units will be for the chronically homeless; that with respect to the variation, strict compliance with the 30' setback would create practical difficulties and hardships by preventing the entire project as a third of the planned building would be lost; that the project is only financially sustainable because of the number of affordable dwelling units and community center uses; that the proposed variation is consistent with Section 17-1-0500 of this Zoning Ordinance because it will permit the creation of affordable, permanent and supportive housing for the chronically homeless; that the affordable housing units and community center will promote public health, safety and welfare and help maintain a range of housing choices and options; that the residential support services offered at the new facility will preserve and enhance the overall quality of life for residents and visitors; that the uses of the proposed development will provide desperately needed supportive housing and vital community service uses; and

WHEREAS, Ms. Cassel explained that the proposed development will help maintain and enhance the economic vibrancy of nearby businesses; that the proposed development will service to implement policies and goals contained in the City's Tax Increment Financing plan for the area; that the proposed development will promote pedestrian bicycle and transit use; that the proposed development is not intended to yield any sort of profit; that nevertheless, the subject property cannot yield a reasonable return if permitted to be used only in accordance with this Zoning Ordinance because the 30' setback would prevent the entire development; and

WHEREAS, Mr. Kareem Musawwir testified on behalf of the application; that his credentials as an expert in land planning were acknowledged by the Board; that he has physically inspected the subject property and its surrounding area; that his findings are contained in his report on the subject property; his report was submitted and accepted by the Board; that he then orally testified that the proposed special use: (1) complies with all applicable standards of this 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 community because the Applicant has operated at this location to provide needed services to youth and families experiencing hardship due to homelessness and other social ills and the proposed special use will allow the Applicant to expand the type and volume of services it offers; (3) is compatible with the character of the surrounding area in terms of site planning and building scale and project design because the proposed use will be located in a five-story facility with design and detailing that project a façade three stories along the North Avenue streetscape and then is setback on the fourth and fifth floors; (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 because its hours of operation, outdoor lighting, noise and traffic generation will be similar to other uses along North Avenue; (5) is designed to promote pedestrian safety and comfort; and

WHEREAS, Ms. Vicki Hadaway testified on behalf of the Applicant; that she is the Applicant's acting clinical director and has been affiliated with the Applicant for the last 5 years; that for the last 5 years, the Applicant has operated its social service uses at the subject property; that the Applicant also runs a homeless shelter at 3507 W. North Avenue; that she is not aware of any incidents or neighborhood objections to either of these operations; and

WHEREAS, Mr. Jack Schroeder testified on behalf of the Applicant; that he is an architect at Landon Bone Baker Architects and is the project architect for the proposed development; that in general, the public spaces are limited to the lower level, first and second floor of the proposed development; that there are private secured entries for both the public uses of the proposed development and the private uses; that there is ample space to accommodate every use in the building; that the proposed development is located in the northern hemisphere; that therefore, the shadows from the proposed building will project northward towards North Avenue; that the lot is 125' deep; and

WHEREAS, Ms. April Lippert, of 3530 W. Pierce, testified in objection to the application; that she resides directly across the alley from the subject property; that currently there is a building that is 18' behind her yard; that the proposed development will be 65' tall; that this will interfere with the enjoyment of her property; that she feels that part of the sky will be taken away from her if the proposed development goes forward; and

WHEREAS, the Board requested Ms. Cassel respond to the Objector's concerns; and

WHEREAS, Ms. Cassel stated that while she respected the Objector's concerns, the facts do not bear out the proposal that the proposed development would cast shadow on the Objector's backyard; that the Objector is located south of the subject property; and

WHEREAS, the Board inquired if the proposed development was before the Board with respect to height of the proposed development; and

WHEREAS, Ms. Cassel answered that the proposed development was not before the Board due to its height; that the proposed development is compliance with the B2-3 zoning district in terms of height; that the Applicant is not seeking a height variation only a setback variation; and

WHEREAS, Ms. Cassel further explained that the Objector's property is improved with a multi-story home that is to the south of her lot; that to the north of her lot is a small backyard and to the north of her backyard is a garage; that given the configurations of her

property, the shadows on the yard area would come from the south and her own home, not from the Applicant's proposed development; and

WHEREAS, the staff of the Department of Planning and Development recommended approval of the proposed special use, provided the development was established consistent with the design, layout, materials and plans prepared by Landon Bone Baker Architects and dated October 28, 2015; 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 and will not have a significant adverse impact on the general welfare of the community because the Applicant already operates at this location to provide needed services to youth and families experiencing hardship due to homelessness and other social ills and the proposed special use will allow the Applicant to expand the type and volume of services it offers.
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 the proposed use will be located in a five-story facility with design and detailing that project a façade three stories along the North Avenue streetscape and then is setback on the fourth and fifth floors.
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 because its hours of operation, outdoor lighting, noise and traffic generation will be similar to other uses along North Avenue.
5. The proposed special use is designed to promote pedestrian safety and comfort.

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 subject to the following condition, pursuant to the authority granted by Section 17-13-0906 of the Chicago Zoning Ordinance:

1. The special use shall be developed consistent with the design, layout, plans and materials prepared by Landon Bone Baker Architects and dated October 28, 2015.

WHEREAS, Section 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 variation:

1. The Board finds that pursuant to 17-13-1107-A the Applicant has proved its 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 this Zoning Ordinance be strictly complied with, and, further, the requested variation is consistent with the stated purpose and intent of this 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) the property in question cannot yield a reasonable rate of return because the proposed development cannot be built without the proposed variation as the proposed development is only financially sustainable with the 25 affordable units and community center uses; (2) the practical difficulty or particular hardship of the property is due to the fact that the Applicant is a not-for-profit and can only make the project financially sustainable with the 25 affordable units and the community center and the 30' setback would allow only a third of the proposed development to be built, which is not a condition generally applicable to other similarly situated property; and (3) the variation, if granted, will not alter the essential character of the neighborhood as there already buildings on the subject property, the Applicant already operates in the neighborhood and the proposed development conforms with the height requirement of the B2-3 zoning district.
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 Applicant's status as a not-for-profit makes the project financially sustainable only if the proposed development can be built with the 25 affordable units and the community center results in practical difficulty or particular hardship to the Applicant if the strict letter of the Zoning Ordinance were carried out as the 30' setback only allows for a third of the proposed development to be built; (2) this practical difficulty or particular hardship is a condition not generally applicable to other property in a B2-3 zoning district; (3) profit is not a motive for the variation as the Applicant is a not-for-profit attempting to provide 25 more residential units for the homeless and a community center for homeless and at-risk youth and families; (4) the Applicant did not create the hardship in question; (5) the variation being granted will not be detrimental to the public welfare or injurious to other property; and (6) the variation will not impair an adequate supply of light or air to the neighboring properties as testified to by Mr. Schroeder, 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 Law (735 ILCS 5/3-101 *et. seq.*).

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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Chicago, Illinois 60602
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DEC 29 2015
CITY OF CHICAGO

AltSchool, PBC

APPLICANT

427-15-S

CALENDAR NUMBER

2720-28 N. Clark Street

PREMISES AFFECTED

November 20, 2015

HEARING DATE

Richard Klawiter & Bernard Citron

APPEARANCE FOR APPLICANT

Kelly Turula & Others

OBJECTORS

NATURE OF REQUESTS

Application for a special use to establish an elementary school.

ACTION OF BOARD

THE VOTE

The application for a special use is approved subject to the condition specified in this decision.

Jonathan Swain, Chair
Sol Flores
Sheila O'Grady
Blake Sercye
Sam Toia

APPROVE

DENY

ABSENT

THE RESOLUTION OF THE BOARD

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on November 20, 2015, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance ("Zoning Ordinance") and by publication in the *Chicago Sun-Times*; and

WHEREAS, Mr. Richard Klawiter, co-counsel for the Applicant, explained the underlying basis for the relief sought; that the Applicant proposed to establish a school on the subject property; that the proposed school will accommodate approximately 150 students, grades K – 8; that the proposed school will have approximately 8 to 11 staff members; that the proposed school will operate between the hours of 8:00 AM – 6:00 PM, with occasional morning or evening special events; and

WHEREAS, Mr. Howard Hirsch, the project architect, testified on behalf of the Applicant; that the Applicant proposed to develop a new two-story building at the subject property; that he then testified as to the plan of development for the new two-story

APPROVED AS TO SUBSTANCE

CHAIRMAN

building, including the parking for said building as well and pick-up and drop off for the proposed school; that the second floor of said building would house the proposed school; and

WHEREAS, Mr. Luay Aboona testified on behalf of the Applicant; that his credentials as an expert in traffic engineering were acknowledged by the Board; that he has reviewed the traffic generated and the parking required for the proposed development; that his findings are contained in his traffic study; that his traffic study has been reviewed and accepted by the City's Department of Transportation ("CDOT"); his traffic was submitted and accepted by the Board; that he then orally testified to the following: (1) that the traffic generated by the proposed special use will not have a significant impact on the surrounding streets and that the traffic can be accommodated efficiently by the street system; (2) that the proposed pick-up and drop-off procedures for the school, which include staggered start and finish times, will adequately accommodate the traffic generated by the school; (3) that in response to concerns expressed by the neighborhood, the Applicant will deploy personnel to the alley to ensure that those accessing the school to do not use the alley and instead use Schubert Avenue and Clark Street; and (4) that the Applicant has also agreed to direct teachers and other school traffic to not use the alley and instead utilize public transportation or other parking in the area; and

WHEREAS, Mr. George Kiesel testified on behalf of the Applicant; that his credentials as an expert in land planning were acknowledged by the Board; that he has physically inspected the subject property and its surrounding area; that his findings are contained in his report on the subject property; his report was submitted and accepted by the Board; that he then orally testified that the proposed special use: (1) complies with all applicable standards of this Zoning Ordinance, including bulk, density, pedestrian streets, and off-street parking requirements; (2) is in the interest of the public convenience as schools by their nature are in the interest of the public convenience; that nothing is more important than educating children in the City and it is important to accommodate alternatives to public education; (3) will not have a significant adverse impact on the general welfare of the neighborhood as there are systems in place for efficient pick-up and drop-off of students, the traffic plan has been carefully studied, and the proposed development in which the proposed special use will be located is consistent with the building type and style in the area; (4) is compatible with the character of the surrounding area in terms of site planning and building scale and project design because the special use will be housed in the proposed development which is in scale with the surrounding one to four story commercial mixed-use buildings along this stretch of Clark Street and the brick façade with the storefront windows and retail entrances from the ground at 12' is also in keeping with Clark Street and pedestrian streets in general; (5) is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, and noise; and (6) is designed to promote pedestrian safety and comfort because the parking is tucked behind the building, minimizing any pedestrian or vehicular conflicts, and no additional curb cuts are added by the proposed special use; and

WHEREAS, Mr. Ethan Warsh testified on behalf of the Applicant; that he testified at length as to the proposed hours of operation for the school as well, the staggered start and end times for the school day, and the type of retail tenants that will utilize the first floor tenant space on the first floor of the proposed development; and

WHEREAS, Ms. Kelly Turula, of 619 W. Schubert, testified in objection to the application; that at a prior community meeting regarding the proposed development she had requested to the Alderman that CDOT provide its own independent traffic review; that she is concerned about traffic from a quality of life and safety standpoint; that the proposed development is along a primary route for firefighters; that the Chicago Fire Department and the Alderman should opine on this; and

WHEREAS, Mr. Michael Unetich, of 2657 Geneva Terrace, testified in objection to the application; that he resides right down the alley from the school drop-off point; that the alley will become like an airport with vehicles waiting to queue; that the school could be put anywhere, including neighborhoods that actually need it or want it; that there is a unanimous opinion in the neighborhood that the proposed special use would negatively impact us; and

WHEREAS, Ms. Laura Pollack, of 625 W. Schubert, testified in objection to the application; that traffic is her biggest concern; that she does not believe the school is in the interest of the public convenience as this particular location already has a consolidated group of schools, both public and private; that there is a need for retail in the area and there are vacant storefronts that might be rented to retailers that are not appropriate to be near a school; and

WHEREAS, Mr. Jeff Bauer, of 636 W. Schubert; that he has a PhD in statistical science; that he has been an expert witness in over 20 federal and state cases; that he has taught statistical analysis at two state universities for over 20 years; that he is not a traffic engineer but can tell the Board that even if the traffic engineer used acceptable methods within traffic collection, the data analysis is totally inadequate; that he then testified as to how said data analysis was totally inadequate; and

WHEREAS, Ms. Turula then asked that a continuance be granted so that the Board could be presented with an independent traffic study done by CDOT and so the Board could consult with the Fire Department; and

WHEREAS, the Board stated it would not grant a continuance but it would take the Objectors' comments with respect to the Applicant's traffic study into account during its deliberations; and

WHEREAS, Mr. Konrad Schalter, of 618 W. Schubert, testified in support of the application; that he did not share the Objectors' concerns with respect to traffic; and

WHEREAS, in response to the Objectors' concerns, Mr. Aboona further testified that the Applicant is not affecting the operation of the Fire Department because the

Applicant's operation is not affecting the width of the street; that the Applicant is also not creating any narrowing condition that would impede the accessibility of the Fire Department; and

WHEREAS, in response to questions by the Board concerning the Applicant changing traffic patterns by the proposed special use, Mr. Aboona further testified that as part of his statistical data collection in the area, he counted the intersections in the area before Alcott School was opened and after Alcott School was opened; that as the Board heard earlier, the Applicant's school will have its own staggered start and finish times, which compared to other schools he has done traffic engineering studies for is very aggressive and will definitely spread out the traffic and minimize the impact; that in addition, the Applicant's school start and finish times from the start and finish times of Alcott School; that when he did the data collection and compared traffic in the area, particularly on the Schubert and Orchard intersection, both before Alcott School was opened and after Alcott School was opened, he saw a large increase in traffic; that this obviously normal; that when one compares the traffic that the Applicant's school will add to Schubert, it is far less than the traffic generated by Alcott School; and

WHEREAS, in response to further questions by the Board, Mr. Aboona further testified that while he appreciated Mr. Bauer reviewing the data, he follows the traffic engineering standards as put forward by the Institute of Transportation Engineers; that he also follows CDOT standards in completing traffic studies; that he continued to testify as to how traffic engineering studies are conducted; that his traffic engineering study represents normal traffic conditions as accepted in the traffic engineering industry and has been reviewed and approved by CDOT, an independent third party; and

WHEREAS, Mr. Warsh then testified that the Applicant chose this location because it felt it would be convenient for families; that it chose this location to lessen traffic coming to the school; and

WHEREAS, Alderman Michele Smith testified that she was in support of the application; that her support was condition on a comprehensive traffic management plan; that the local neighborhood group the Park West Association also conditioned its support on a comprehensive traffic management plan; that the Applicant has agreed to said comprehensive traffic management plan; that she then read what the Applicant has so far agreed to with respect to the comprehensive traffic management plan into the record; that a draft of the comprehensive traffic management plan is well underway; that she then requested that the Board condition its approval upon said traffic management plan; and

WHEREAS, Mr. Klawter stated that the Applicant acknowledged everything the Alderman stated; that the Applicant agreed to it and all conditions mentioned by the Alderman would be memorialized in an agreement that the Applicant is working on with the Park West Association; and

WHEREAS, the staff of the Department of Planning and Development recommended approval of the proposed special use, provided the development was established

consistent with the design, layout, materials and plans prepared Hirsch and Associates and dated November 10, 2015 for the elevations and November 19, 2015 for the site plan and the landscape plan prepared by Daniel Weinbach & Partners and dated September 1, 2015; 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 as schools by their nature are in the interest of the public convenience and that nothing is more important than educating children in the City and it is important to accommodate alternatives to public education. Further, the proposed special use will not have a significant adverse impact on the general welfare of the neighborhood as there are systems in place for efficient pick-up and drop-off of students, the traffic plan has been carefully studied, and the proposed development in which the proposed special use will be located is consistent with the building type and style in the area.
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 the special use will be housed in the proposed development which is in scale with the surrounding one to four story commercial mixed-use buildings along this stretch of Clark Street and the brick façade with the storefront windows and retail entrances from the ground at 12' is also in keeping with Clark Street and pedestrian streets in general
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 because traffic generated by the proposed will not have a significant impact on the surrounding streets. This is because: (1) traffic can be accommodated efficiently by the street system; (2) the proposed pick-up and drop-off procedures for the school, which include staggered start and finish times, will adequately accommodate the traffic generated by the school; and (3) in response to concerns expressed by the neighborhood, the Applicant will deploy personnel to the alley to ensure that those accessing the school to do not use the alley and instead use Schubert Avenue and Clark Street. The Board makes this determination of the very credible expert testimony of Mr. Luay Aboona which testimony was based on his the results of his traffic study. In his traffic study, Mr. Aboona followed all standards as put forward by the Institute of Transportation Engineers and CDOT. Further, his traffic study has been reviewed and approved by CDOT, an independent third party in this matter.

5. The proposed special use is designed to promote pedestrian safety and comfort because the parking is tucked behind the building, minimizing any pedestrian or vehicular conflicts, and no additional curb cuts are added by the proposed special use

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 subject to the following condition, pursuant to the authority granted by Section 17-13-0906 of the Chicago Zoning Ordinance:

1. The special use shall be developed consistent with the design, layout, materials and plans prepared Hirsch and Associates and dated November 10, 2015 for the elevations and November 19, 2015 for the site plan and the landscape plan prepared by Daniel Weinbach & Partners and dated September 1, 2015

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:

LGCL, LLC

CAL NO.: 428-15-Z

APPEARANCE FOR:

MINUTES OF MEETING:

November 20, 2015

APPEARANCE AGAINST:

PREMISES AFFECTED:

2145 North Dayton Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback from 35' to 0' and to reduce the south side setback from 3.31' to 0' for an existing, three-story, single-family residence connected via an enclosed walkway to a proposed, rear, three-car garage, which exceeds 15' in height, with an open rooftop deck accessed by a catwalk and an open, exterior staircase greater than 6' above-grade; a 6' high, solid, masonry fence will be provided along the side property lines, between the single-family residence and garage.

ACTION OF BOARD:

CASE CONTINUED TO FEBRUARY 19, 2016

THE VOTE

DEC 29 2015
CITY OF CHICAGO

JONATHAN SWAIN

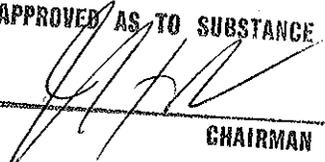
SOL FLORES

SHEILA O'GRADY

BLAKE SERCYE

SAM TOIA

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: Robert and Gretchen Muller **CAL NO.:** 429-15-Z
APPEARANCE FOR: Chris Leach **MINUTES OF MEETING:**
 November 20, 2015
APPEARANCE AGAINST: None
PREMISES AFFECTED: 6027 N. Hermitage Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the rear yard setback from 30' to 3.83' for a proposed, two-story, single-family residence with front, rear and side open porches; the existing, rear, detached, two-car garage will remain unchanged.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

DEC 29 2015
 CITY OF CHICAGO

JONATHAN SWAIN
 SOL FLORES
 SHEILA O'GRADY
 BLAKE SERCYE
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

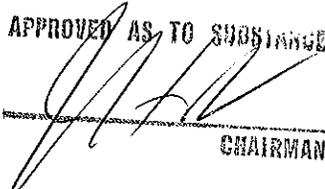
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2015; and

WHEREAS, the Zoning Board of Appeals, 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 setback to 3.83' for a proposed, two-story, single-family residence with front, rear and side open porches; the existing, rear, detached, two-car garage will remain unchanged; 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 29 2015
CITY OF CHICAGO

Gustavo Zuniga

APPLICANT

430-15-A

CALENDAR NUMBER

2528-30 N. Talman Avenue

PREMISES AFFECTED

November 20, 2015

HEARING DATE

Chris Leach

APPEARANCE FOR APPLICANT

Steven Valenziano

APPEARANCE FOR ZONING ADMINISTRATOR

NATURE OF REQUEST

An appeal of the decision by the Zoning Administrator that the existing structure is a lawfully existing two-story four unit building with a rear detached one-story garage instead of a two-story six unit building, which the Applicant claims should be considered legal-nonconforming, with a rear detached one-story garage.

ACTION OF BOARD

THE VOTE

The decision of the Zoning Administrator is upheld.

UPHELD REVERSED ABSENT

Jonathan Swain, Chair
Sol Flores
Sheila O'Grady
Blake Sercye
Sam Toia

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THE RESOLUTION OF THE BOARD

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on November 20, 2015; and

WHEREAS, the Zoning Administrator determined that the existing structure on the Applicant's property is a lawfully existing two-story four unit building with a rear detached one-story garage; and

WHEREAS, Mr. Chris Leach, counsel for the Applicant, stated that the subject property is improved with a six unit apartment building and previously had two garages on it; that the Applicant reconstructed one of the garages; that said reconstructed garage

APPROVED AS TO SUBSTANCE

CHAIRMAN

was supposed to be 15 feet tall but is instead 18 feet; that the Applicant needs a variation to make said garage compliant but cannot do that unless the Applicant can establish the principal building is a legal nonconforming use; that the subject property was downzoned in 2004 and is located in a RS-3 zoning district; that the principal building does not fit within a RS-3 zoning district; that the Applicant approached Alderman Waguespack in regards to a rezoning; that the Alderman requested that the Applicant handle it administratively through the Bureau of Zoning ("Bureau") in the City's Department of Planning and Development ("Department") and the Board; that the Applicant filed a request for a zoning determination letter with the Bureau; that the Bureau issued the letter and stated that the principal building contained only four legal units as opposed to the six existing units; and

WHEREAS, Mr. Leach further stated that it is the Applicant's contention that when his parents purchased the property in 1986 there were six units in the building; that there have been six units in the building for over 29 years; that the Applicant made a Freedom of Information Act request for building permits but no building permits were found; that the building is over 100 years old and this is why there are no permits; that the Applicant has printouts from the Chicago Zoning Map which shows the building as built in 1909 and containing six units; that the Applicant has a printout from the Cook County Assessor's Office, assessing the building with six units; that the Applicant also has the closing statement from when his parents purchased the subject property in 1986 as well as the closing statement when he purchased the property in 2008; that the Applicant needs to show that the units existed legally prior to 2004 in order to qualify for existing legal nonconforming use under the Section 17-15 of Chicago Zoning Ordinance ("Zoning Ordinance"); and

WHEREAS, Mr. Steven Valenziano, Assistant Zoning Administrator, testified on behalf of the Zoning Administrator; that the absence of building permits is in most cases because no permits were pulled; that a City building inspector went to inspect the building in 1951; that during the inspection, he looked at the apartments, counted the number of sinks, toilets, water basins and families in the building; that the City building inspector determined it was a four unit building; that the design and layout of the building show it is a four unit building; that the 1951 water records also show the building is a four unit building; that prior to the 1957 Zoning Ordinance, there were no minimum lot area ("MLA") standards for numbers of units in a building; that this is why the Department looks at water records that were prior to the 1957 Zoning Ordinance to determine unit numbers; that the MLA under the 1957 Zoning Ordinance is the same as this current Zoning Ordinance; that a City building inspector went out to the building in 1951 and determined there were four units; that there were no units in the basement in 1951 and no wash basins or anything else in the basement of the building; that in 1957, when the 1957 Zoning Ordinance went into effect, however many units were in the building would have been legalized and the building would have been a legal nonconforming use from 1957 into perpetuity; that the Department agrees that there are two additional units in the building for a total of six units in the building; that there is no evidence that the additional two units were lawfully established; that therefore the

building is a legal nonconforming four unit building; that there are buildings all over the City where extra units are put in; that this does not make extra units legal; and

WHEREAS, Mr. Valenziano further testified that evidence on the City's website is from the City's Department of Buildings ("Buildings"); that Buildings requires that all buildings with four or more units or ten or more sleeping rooms register with Buildings so that if there are landlord or fire issues there is a way of knowing how many people are in any residential building; that this information is provided by the property owner and not the City; that the Cook County Assessor goes out and assesses the building; that the Assessor sees there are six units; that the County wants its tax money for six units; that it is solely the Department that looks at the legal number of units and stamps off on it; and

WHEREAS, Mr. Leach disagreed; that the City's zoning website showed six units; that it is unreasonable for the City to take a position that's contrary to all other records of the City and the County; that the Applicant did not build these extra units; that the units could have been built anytime between 1951 and 1986; and

WHEREAS, in response to questions by the Board, Mr. Valenziano further testified that buildings all throughout the City are often assessed with more units than the Department recognizes as legal units; that when a homeowner purchases a building with more units than are legal there are a few options; that in this particular case, the Applicant could upzone the subject property; that after the upzoning, the Applicant would hire an architect that would go through the additional units and verify the units are built to code; that then a permit would be issued for the as-built conditions; that if there were only one extra unit in the building, this Zoning Ordinance allows for an administrative adjustment; and

WHEREAS, Mr. Leach stated that he had approached the Alderman regarding an upzoning; that the subject property would need to be upzoned to a RT-4; that currently the subject property is RS-3; and

WHEREAS, Sections 17-13-1207 and 17-13-1208 of the Chicago Zoning Ordinance grant the Board of Appeals authority to hear and decide appeals when it is alleged there is an error in any order, requirement, decision or determination by the Zoning Administrator in the administration or enforcement of this Zoning Ordinance; 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 sustain an appeal must be based solely on the approval criteria enumerated in Section 17-13-1208 of the Chicago Zoning Ordinance, and the Board being fully advised, hereby makes the following findings with reference to the Applicant's appeal:

1. The Board finds that the Applicant did not provide sufficient evidence that the building had six units established prior to the 1957 Zoning Ordinance. The only evidence of the building prior to 1957 shows four established units. Data found on the City's website and the website for the Cook County Assessor are provided

by the property owner and the Assessor's Office respectively and the data shows only the number of units in a building not if said units are lawful. In buildings built prior to 1957, water records are the most reliable source of determining lawfully established units. In this case, 1951 water records show four lawfully established units.

2. The Board finds that the building on the subject property qualifies for legal nonconforming status under Section 17-15 of this Zoning Ordinance as a four unit building.
3. The Board finds that the Applicant did not meet its burden of persuasion that the Zoning Administrator erred as required by under Section 17-13-1208 of this Zoning Ordinance.

RESOLVED, the Board hereby affirms the Zoning Administrator's decision, and the Applicant's appeal is denied.

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: Gateway Montessori School

CAL NO.: 431-15-S

APPEARANCE FOR:

MINUTES OF MEETING:
November 20, 2015

APPEARANCE AGAINST:

PREMISES AFFECTED: 4041-49 N. Pulaski Road

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of an elementary school.

ACTION OF BOARD.

CASE CONTINUED TO DECEMBER 18, 2015

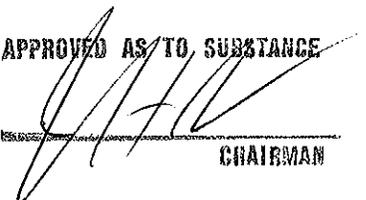
DEC 29 2015
CITY OF CHICAGO

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
BLAKE SERCYE
SAM TOIA

THE VOTE

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: Paul McHugh

CAL NO.: 432-15-Z

APPEARANCE FOR:

MINUTES OF MEETING:
November 20, 2015

APPEARANCE AGAINST:

PREMISES AFFECTED: 2310 W. Palmer Street

NATURE OF REQUEST: Application for a variation to reduce the west side yard setback from 4.8' to 0' and to reduce the rear yard setback from 28' to 2' for a proposed, three-story single-family residence with a rear, attached, two-car garage, upon which will be located a roof deck, containing the required 228 square feet of rear yard open space, and trellis.

ACTION OF BOARD-
WITHDRAWN ON MOTION OF THE APPLICANT

THE VOTE

DEC 29 2015
CITY OF CHICAGO

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
BLAKE SERCYE
SAM TOIA

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: SP Huron, LLC

CAL NO.: 433-15-S

APPEARANCE FOR:

MINUTES OF MEETING:
November 20, 2015

APPEARANCE AGAINST:

PREMISES AFFECTED: 415 W. Huron Street

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a residential use below the second floor for an existing, five-story, office building proposed to be converted into a five-unit, seven-story building with three, at-grade and three, below-grade, parking spaces.

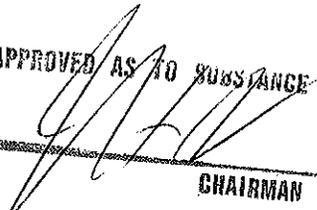
ACTION OF BOARD:
CASE CONTINUED TO FEBRUARY 19, 2016

DEC 29 2015
CITY OF CHICAGO

THE VOTE

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
BLAKE SERCYE
SAM TOIA

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:

SP Huron, LLC

CAL NO.: 434-15-Z

APPEARANCE FOR:

MINUTES OF MEETING:

November 20, 2015

APPEARANCE AGAINST:

PREMISES AFFECTED:

415 W. Huron Street

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce rear setback from 30' to 0' for an existing, five-story, office building proposed to be converted into a five-unit, seven-story building with three, at-grade and three, below-grade, parking spaces.

ACTION OF BOARD.

CASE CONTINUED TO FEBRUARY 19, 2016

THE VOTE

DEC 29 2015
CITY OF CHICAGO

JONATHAN SWAIN

SOL FLORES

SHEILA O'GRADY

BLAKE SERCYE

SAM TOIA

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: SP Huron, LLC

CAL NO.: 435-15-Z

APPEARANCE FOR:

MINUTES OF MEETING:
November 20, 2015

APPEARANCE AGAINST:

PREMISES AFFECTED: 415 W. Huron Street

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to eliminate the one, off-street, 10' x 25' loading berth for an existing, five-story, office building proposed to be converted into a five-unit, seven-story building with three, at-grade and three, below-grade, parking spaces.

ACTION OF BOARD-

CASE CONTINUED TO FEBRUARY 19, 2016

DEC 29 2015

CITY OF CHICAGO

THE VOTE

JONATHAN SWAIN

SOL FLORES

SHEILA O'GRADY

BLAKE SERCYE

SAM TOIA

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: 6324-26 N. Western, LLC **CAL NO.:** 436-15-S
APPEARANCE FOR: Bernard Citron **MINUTES OF MEETING:** November 20, 2015
APPEARANCE AGAINST: None
PREMISES AFFECTED: 6324-46 N. Western* Avenue

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of one drive-through lane to serve a one-story restaurant.

ACTION OF BOARD:
APPLICATION APPROVED

THE VOTE

DEC 29 2015
 CITY OF CHICAGO

JONATHAN SWAIN
 SOL FLORES
 SHEILA O'GRADY
 BLAKE SERCYE
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
RECUSED		

THE RESOLUTION:

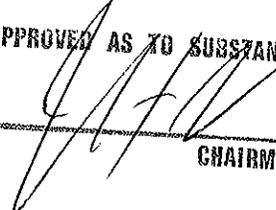
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2015; and

WHEREAS, the Zoning Board of Appeals, 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 one drive-through lane to serve a one-story 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; 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): The development is consistent with the design, layout, materials and plans prepared by Wallin Gomez Architects and dated October 15, 2015 (elevations) and those prepared by Watermark Engineering and dated November 2, 2015 (landscape plan) and November 3, 2015 (site plan).

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: Morris and Elizabeth O'Riordan **CAL NO.:** 437-15-Z
APPEARANCE FOR: Same **MINUTES OF MEETING:** November 20, 2015
APPEARANCE AGAINST: None
PREMISES AFFECTED: 7077 N. McAlpin Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the east side setback from 6' to 5.17' and to reduce the combined side setback from 18' to 11.17' for a proposed, two-story, single-family residence with a front, attached, one-car garage that is directly accessed from N. McAlpin Avenue.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

DEC 20 2015
 CITY OF CHICAGO

JONATHAN SWAIN
 SOL FLORES
 SHEILA O'GRADY
 BLAKE SERCYE
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		
X		

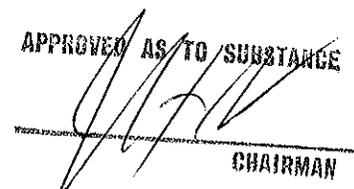
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2015; and

WHEREAS, the Zoning Board of Appeals, 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 east side setback to 5.17' and to reduce the combined side setback to 11.17' for a proposed, two-story, single-family residence with a front, attached, one-car garage that is directly accessed from N. McAlpin Avenue; an additional variation was also granted in Cal. No. 438-15-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: Morris and Elizabeth O'Riordan **CAL NO.:** 438-15-Z
APPEARANCE FOR: Same **MINUTES OF MEETING:** November 20, 2015
APPEARANCE AGAINST: None
PREMISES AFFECTED: 7077 N. McAlpin Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the quantity of off-street, accessory parking spaces from two to one for a proposed, two-story, single-family residence with a front, attached, one-car garage that is directly access from North McAlpin Avenue.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

DEC 29 2015
 CITY OF CHICAGO

JONATHAN SWAIN
 SOL FLORES
 SHEILA O'GRADY
 BLAKE SERCYE
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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X		

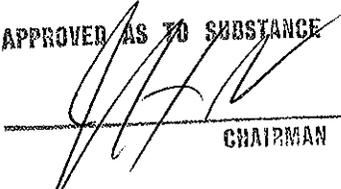
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2015; and

WHEREAS, the Zoning Board of Appeals, 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 quantity of off-street, accessory parking spaces from two to one for a proposed, two-story, single-family residence with a front, attached, one-car garage that is directly accessed from N. McAlpin Avenue; an additional variation was also granted to the subject site in Cal. No. 437-15-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: Lindsay Zanders

CAL NO.: 439-15-Z

APPEARANCE FOR: John Pikarski

MINUTES OF MEETING:
November 20, 2015

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4803 N. Hoyne Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the north side setback from 2' to 0.2' and to reduce the combined side setback from 5' to 2.64' for a proposed, third floor addition to an existing, three-story, two-unit building; the rear, detached, two-car garage will remain unchanged.

ACTION OF BOARD-
VARIATION GRANTED

DEC 29 2015
CITY OF CHICAGO

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
BLAKE SERCYE
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

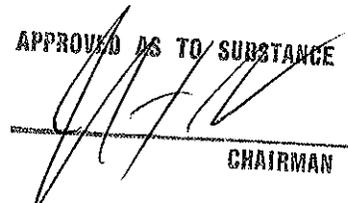
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2015; and

WHEREAS, the Zoning Board of Appeals, 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 north side setback to 0.2' and to reduce the combined side setback to 2.64' for a proposed, third floor addition to an existing, three-story, two-unit building; the rear, detached, two-car garage will remain unchanged; additional variations were granted to the subject site in Cal. No. 440-15-Z and 441-15-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: Lindsay Zanders

CAL NO.: 440-15-Z

APPEARANCE FOR: John Pikarski

MINUTES OF MEETING:
November 20, 2015

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4803 N. Hoyne Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to increase the pre-existing height of 33.08' by no more than 10% (2.25') for a proposed, third floor addition to an existing, three-story, two-unit building; the existing garage will remain.

ACTION OF BOARD-
VARIATION GRANTED

DEC 29 2015

CITY OF CHICAGO

JONATHAN SWAIN

SOL FLORES

SHEILA O'GRADY

BLAKE SERCYE

SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
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		X
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X		
X		

THE RESOLUTION:

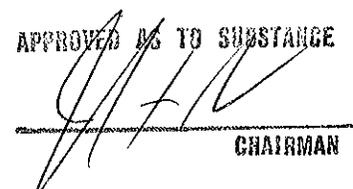
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2015; and

WHEREAS, the Zoning Board of Appeals, 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 pre-existing height of 33.08' by no more than 10% (2.25') for a proposed, third floor addition to an existing, three-story, two-unit building; the existing garage will remain; additional variations were also granted in Cal. No. 439-15-Z and 441-15-Z to the subject site; 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: Lindsay Zanders

CAL NO.: 441-15-Z

APPEARANCE FOR: John Pikarski

MINUTES OF MEETING:
November 20, 2015

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4803 N. Hoyne Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to increase the pre-existing floor area of 4,140.49 square feet by no more than 15% (97.38 square feet) for a proposed, third floor addition to an existing, three-story, two-unit building; the rear, detached, two-car garage will remain unchanged.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

DEC 20 2015
CITY OF CHICAGO

JONATHAN SWAIN

SOL FLORES
SHEILA O'GRADY
BLAKE SERCYE

SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

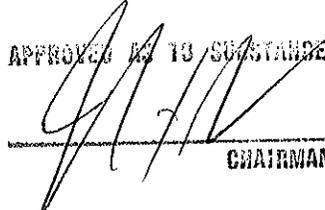
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2015; and

WHEREAS, the Zoning Board of Appeals, 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 pre-existing floor area of 4,140.49 square feet by no more than 15% (97.38 square feet) for a proposed, third floor addition to an existing, three-story, two-unit building; the rear, detached, two-car garage will remain unchanged; additional variations were granted in Cal. No. 439-15-Z and 440-15-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
121 North LaSalle Street
Chicago, Illinois 60602
TEL: (312) 744-3888



DEC 29 2015
CITY OF CHICAGO

Gordon Lounge, Inc. D/B/A Brewbakers

APPLICANT

442-15-Z

CALENDAR NUMBER

10350 S. Western Avenue

PREMISES AFFECTED

November 20, 2015

HEARING DATE

Peter Bradarich

REPRESENTATIVE OF APPLICANT

Alderman O'Shea & Others

OBJECTORS

NATURE OF REQUESTS

Application for a variation to establish a public place of amusement license for live entertainment at an existing tavern located within 125' of a RS-2 Residential Single-Unit (Detached House) District.

ACTION OF BOARD

THE VOTE

The application for a variation is denied.

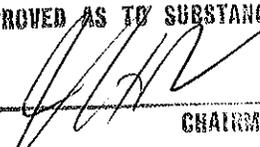
	APPROVE	DENY	ABSENT
Jonathan Swain, Chair	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sol Flores	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sheila O'Grady	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Blake Sercye	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

THE RESOLUTION OF THE BOARD

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on November 20, 2015, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance ("Zoning Ordinance") and by publication in the *Chicago Sun-Times*; and

WHEREAS, Mr. Peter Bradarich testified on behalf of the Applicant; that he is the owner of the Applicant; that the Applicant has had a late hours liquor license for thirty-four (34) years; that in the past, the Applicant has charged patrons coming in during late hours a cover charge; that the Applicant uses the money from the cover charge to hire extra security to keep its patrons and business safe; that normally on a busy weekend the Applicant has 8 doorman inside and 3 sometimes 4 off-duty police officers outside; that this costs around \$1,000 per night and is very expensive; that the City has informed him that the Applicant can no longer charge a cover fee without a public place of amusement

APPROVED AS TO SUBSTANCE


CHAIRMAN

license ("PPA"); that in the past the Applicant has had a music and dance license but the City has insisted that the Applicant apply for a PPA; that the Applicant's capacity is 186; that the Applicant is just a late night bar; that he is only interested in the Applicant's ability to charge a cover charge; that he is not interested in any of the other thing a PPA would allow the Applicant to do; and

WHEREAS, in response to questions by the Board, Mr. Bradarich further testified that he is not interested in having the Applicant playing loud music or music played through a music manager; that the Applicant does not currently have live bands; that the Applicant does not have DJs; that the Applicant's hours of operation are 7:00 PM – 4:00 AM (5:00 AM on Saturdays); that he pays 3 to 4 off-duty police officers to drive around the neighborhood in their car; that if it's a nice night, they will get out and walk around the neighborhood; that he employs 8 bouncers; that 2 of the bouncers are at the door, checking IDs, that some are inside, and a least 1 or 2 are out on the street making sure people are controlled while smoking cigarettes or waiting in line to get in; that after the Applicant closes, 6 of the bouncers take garbage bags and along with the off-duty police officers walk around a 2-block radius of the subject property and make sure that everyone has gotten in their cars and gone home; that they also pick up garbage people may have dropped, such as beer cans, beer bottles and White Castle burger wrappers; and

WHEREAS, in response to further questions by the Board, Mr. Bradarich further testified that despite the 186 capacity, there is a short period of time when the Applicant has lines to get in; that this is because the Applicant has the only late hours liquor license in the 19th ward; that generally, lines form at 2:00 AM; that without the variation, the Applicant will lose its ability to supplement its costs through the cover charge; that if this happens, the Applicant will not be able to supply as much security as it currently does; that this will make the Applicant's patrons and the Applicant's business a lot less safe; and

WHEREAS, Alderman Matthew O'Shea testified in objection to the application; that currently there are 21 active tavern licenses in the 19th ward; that he has received more complaints about the Applicant than the other 20 taverns combined; that the Applicant is a cancer to his community and the cure cannot be to grant the variation; that granting the variation to the Applicant would be rewarding the Applicant for its bad behavior; that the only reason the Applicant is before the Board is that the Applicant was caught violating the law; that last July, the Applicant sought a PPA; that the Applicant continued to charge a cover without the PPA until the Chicago Police Department issued the Applicant a citation on September 12, 2015; that the citation stated in part that: "The complete disregard by the licensee of the laws governing PPA activity and the Department of Business Affairs and Consumer Protection shows that the Gordon Lounge, Inc., should not be trusted with a PPA license"; that while Mr. Bradarich has stated that without a PPA, the Applicant will be forced to discontinue certain practices like paying for security and staff to pick up litter, this argument is a red herring; that the Applicant must provide these services as a condition of its late hours liquor license; that the Alderman then quoted in pertinent part Section 4-60-130(f) of the Municipal Code of the City of Chicago ("MCC"); that the delivery of services by the Applicant of what is required by Section 4-

60-130(f) is not contingent on a PPA; that the Applicant has no legal right to discontinue its duties under Section 4-60-130(f) of the MCC; and

WHEREAS, the Alderman further testified that the Applicant is not responsibly managed and is in fact the worst actor in the entire ward; that the Applicant has no concern for the damage to the surrounding neighbors; that the Applicant's business practices are to open its doors, over-serve patrons and push patrons out after the tab has been paid; that his ward office is located at 10400 S. Western, about 150 feet south of the subject property; that on any Monday morning beer bottles litter the parkway, the street and the sidewalk; that in the alley, there are remnants of vomit, broken bottles and drug paraphernalia; that he further described the negative effects of the Applicant on the surrounding neighborhood, including noise, public urination, property damage, bar fights, attempted suicide, death, and severe injury; that he himself worked in the bar business for 10 years; that he understands that a bar cannot be held responsible for everything its patrons do; that, however, all across the City there are thousands of bars that operate responsibly by responding to their neighbors' concerns and cutting off patrons when they are over-served; that the Applicant is not one of those bars; that the Applicant's owner lacks maturity of judgment required to responsibly run a tavern; that to allow the Applicant to have a PPA will result in bigger fights, more property damage, more police calls, and more tragedy to the community; that he is joined at the hearing by the Chicago Police Department, the Beverly Area Planning Association, the Beverly Improvement Association and several concerned neighbors; and

WHEREAS, Commander Mark Harmon of the 22d Police District testified in objection to the application; that in the last year, the Chicago Police Department ("CPD") has had over 26 calls for service and 6 documented criminal incidents directly affiliated with the subject property; that while it is difficult to correlate what crimes in neighborhoods are a direct result of a specific business, as an adult, he does know what late hours liquor licenses do to a neighborhood; that adding a PPA license and potential live music to the Applicant's existing license would do nothing but exacerbate the problems currently existing at the subject property; that the 22d Police District does not receive a lot of calls for service directly at liquor establishments; that the ones it does receive are from 2:00 to 5:00 AM; that the Applicant is the only liquor establishment open at that time; that of the 6 documented criminal incidents, 5 were batteries and 1 aggravated batteries (a stabbing); that while there are several bars on Western, the calls for service during business hours are negligible in comparison; and

WHEREAS, Mr. Richard Coyle, of 10349 S. Artesian, testified in objection to the application; and

WHEREAS, Sister Pat Mahoney, of 104th Street and Claremont, testified in objection to the application; and

WHEREAS, Ms. Maureen Connolly, of 10405 S. Campbell, testified in objection to the application; and

WHEREAS, Ms. Kathleen Walsh, of 9707 S. Winchester, testified in objection to the application; and

WHEREAS, Ms. Margot Holland, of 9220 S. Pleasant, testified in objection the application on behalf of the Beverly Area Planning Association, which has its principal offices at 1987 W. 111th Street; and

WHEREAS, in response to the Objectors' concerns, Mr. Bradarich testified that he is not interested in the Applicant doing any of the operations a PPA would allow the Applicant to do other than charging a cover fee; that he would be in approval of the Board restricting the Applicant's ability to do anything other than charging a cover fee; and

WHEREAS, Section 17-13-1101-M of the Chicago Zoning Ordinance grants the Zoning Board of Appeals authority to grant a variation allowing an establishment requiring a public place of amusement license to locate within 125 feet of any RS1, RS2 or RS3 district; 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 variation:

1. The Board finds that pursuant to Section 17-13-1107-A the Applicant has not proved its 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 this Zoning Ordinance be strictly complied with, and, further, the requested variation is not consistent with the stated purpose and intent of this Zoning Ordinance. The Board finds that the Mr. Bradarich had zero credibility as a witness. As Mr. Bradarich was the only representative of the Applicant to testify, his credibility is critical to the Board making a factual determination as to the Applicant's practical difficulty and particular hardship regarding the proposed use of the subject property. Mr Bradarich's lack of credibility leaves the Board no choice but to find that the Applicant has no practical difficulty or particular hardship regarding the proposed variation.

2. The Board finds that pursuant to Section 17-13-1107-B that the Applicant has not proved by testimony and other evidence that: (1) the property in question cannot yield a reasonable rate of return if permitted to be used only in accordance with the standards of this Zoning Ordinance. Mr. Bradarich did not testify that the Applicant would shut its doors should the variation not be granted; instead, he only testified that without the proposed variation, he would have to cut back on his security measures. The Board further finds pursuant to Section 17-13-1107-B that: (2) the practical difficulty or particular hardship of the property is not due to unique circumstances but is instead a desire by the Applicant to keep its operating costs low, which is a practical difficulty

generally applicable to other similarly situated property; and (3) the variation, if granted, will alter the essential character of the neighborhood as very credibly testified to by Alderman O'Shea and his constituents.

3. The Board, in making its determination pursuant to 17-13-1107-C that a practical difficulty or particular hardship did not exist, took into account that evidence was presented that: (1) the physical surroundings, shape or topographical condition of the specific property involved results in mere inconvenience to the Applicant, as the Applicant is merely concerned about keeping the operating costs of its business low, if the strict letter of this Zoning Ordinance is carried out; (2) keeping operating costs low is generally applicable to other property in a B1-1 zoning district; (3) the purpose of the variation is based exclusively upon a desire to make more money out of the property; and (4) the variation being granted will be detrimental to the public welfare or injurious to other property due to the Applicant's prior operating history, as very credibly testified to by Alderman O'Shea and his constituents.

RESOLVED, the Board finds that the Applicant has failed to establish 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 denied.

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: Lalbhai Patel/DBA Beena Hair Salon, Inc. **CAL NO.:** 443-15-S
APPEARANCE FOR: Same **MINUTES OF MEETING:** November 20, 2015
APPEARANCE AGAINST: None
PREMISES AFFECTED: 6236 N. California Avenue

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a hair salon.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

DEC 20 2015
 CITY OF CHICAGO

JONATHAN SWAIN
 SOL FLORES
 SHEILA O'GRADY
 BLAKE SERCYE
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

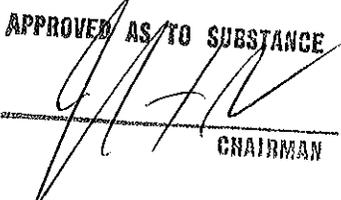
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2015; and

WHEREAS, the Zoning Board of Appeals, 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; 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):

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: Foot Smile Spa, LLC

CAL NO.: 444-15-S

APPEARANCE FOR: Lawrence Lusk

MINUTES OF MEETING:
November 20, 2015

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1513 W. Fullerton Avenue

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a foot massage salon.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

	AFFIRMATIVE	NEGATIVE	ABSENT
JONATHAN SWAIN	X		
SOL FLORES			X
SHEILA O'GRADY	X		
BLAKE SERCYE	X		
SAM TOIA	X		

DEC 29 2015
CITY OF CHICAGO

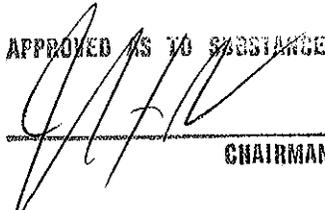
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2015; and

WHEREAS, the Zoning Board of Appeals, 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 foot massage 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; 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):

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: Lawrence Gast and Rachel Holtzman **CAL NO.:** 445-15-Z
APPEARANCE FOR: Same **MINUTES OF MEETING:** November 20, 2015
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2449 W. Eastwood Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to increase the pre-existing floor area of 3,300 square feet by no more than 15% (316.25 square feet) for a proposed, rear, two-story addition to an existing, two-story, two-unit building which will be converted to a single-family residence.

ACTION OF BOARD:
VARIATION GRANTED

DEC 29 2015
 CITY OF CHICAGO

JONATHAN SWAIN
 SOL FLORES
 SHEILA O'GRADY
 BLAKE SERCYE
 SAM TOIA

THE VOTE

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 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2015; and

WHEREAS, the Zoning Board of Appeals, 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 pre-existing floor area of 3,300 square feet by no more than 15% (316.25 square feet) for a proposed, rear, two-story addition to an existing, two-story, two-unit building which will be converted to a single-family residence; 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: Scott Leff and Karen Russell **CAL NO.:** 446-15-Z
APPEARANCE FOR: Rolando Acosta **MINUTES OF MEETING:**
 November 20, 2015
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1840 W. Thomas Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback from 30.24' to 2'; to reduce the west side setback from 2' to 0.41'; and, to reduce the combined side setback from 4.8' to 3.83' for a proposed, rear, detached, two-car garage with a storage room and a roof deck which is accessed via an open stair exceeding 6' in height; the existing, three-story, single-family residence will remain unchanged.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

DEC 29 2015
 CITY OF CHICAGO

JONATHAN SWAIN
 SOL FLORES
 SHEILA O'GRADY
 BLAKE SERCYE
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

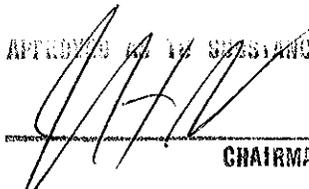
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2015; and

WHEREAS, the Zoning Board of Appeals, 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 2'; to reduce the west side setback to 0.41'; and, to reduce the combined side setback to 3.83' for a proposed, rear, detached, two-car garage with a storage room and a roof deck which is accessed via an open stair exceeding 6' in height; the existing, three-story, single-family residence will remain unchanged; 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: Jose Enciso **CAL NO.:** 447-15-Z
APPEARANCE FOR: Same **MINUTES OF MEETING:**
November 20, 2015
APPEARANCE AGAINST: None
PREMISES AFFECTED: 3308 N. Drake Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the north side setback from 2' to 0.6' and to reduce the combined side setback from 5' to 3.9' for an existing, rear, two-story addition to an existing, two-story, single-family residence.

ACTION OF BOARD-
VARIATION GRANTED

DEC 29 2015
 CITY OF CHICAGO

JONATHAN SWAIN
 SOL FLORES
 SHEILA O'GRADY
 BLAKE SERCYE
 SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

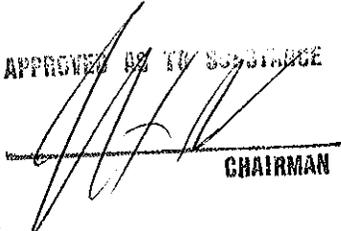
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2015; and

WHEREAS, the Zoning Board of Appeals, 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 north side setback to 0.6' and to reduce the combined side setback to 3.9' for an existing, rear, two-story addition to an existing, two-story, single-family residence; 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 BY TV SUBSTANCE

 CHAIRMAN

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

APPLICANT: 1045 Cornelia, LLC

CAL NO.: 448-15-Z

APPEARANCE FOR: Rolando Acosta

MINUTES OF MEETING:
November 20, 2015

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1047* W. Cornelia Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the rear setback from 40.48' to 31.33' for a proposed, four-story, 16-unit building with a side, attached, six-car garage and a rear, detached, ten-car garage.

ACTION OF BOARD-
VARIATION GRANTED

DEC 28 2015
CITY OF CHICAGO

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
BLAKE SERCYE
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

THE RESOLUTION:

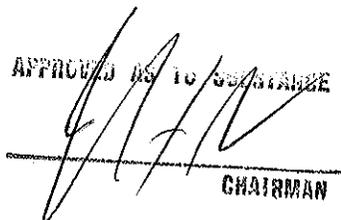
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2015; and

WHEREAS, the Zoning Board of Appeals, 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 31.33' for a proposed, four-story, 16-unit building with a side, attached, six-car garage and a rear, detached, ten-car 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.

* Amended at Hearing

APPROVED BY THE CHAIRMAN

CHAIRMAN

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

APPLICANT: Matrix-Chip Limited Partnership **CAL NO.:** 449-15-Z
APPEARANCE FOR: Mark Kupiec **MINUTES OF MEETING:**
 November 20, 2015
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2718 N. Pine Grove Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from 35' to 22.83' and to reduce the north side setback from 2' to 0' for a proposed, two-story, open porch and stair above 6' which provides direct access to a proposed, rooftop deck on an existing, rear, detached, two-car garage; the existing, three-story, single-family residence will be renovated and remain.

ACTION OF BOARD-
VARIATION GRANTED

DEC 29 2015
 CITY OF CHICAGO

JONATHAN SWAIN
 SOL FLORES
 SHEILA O'GRADY
 BLAKE SERCYE
 SAM TOIA

THE VOTE

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 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2015; and

WHEREAS, the Zoning Board of Appeals, 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 22.83' and to reduce the north side setback to 0' for a proposed, two-story, open porch and stair above 6' which provides direct access to a proposed, rooftop deck on an existing, rear, detached, two-car garage; the existing, three-story, single-family residence will be renovated and remain; 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.



 CHAIRMAN

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

APPLICANT: Jaclyn and Tom Boras **CAL NO.:** 450-15-Z
APPEARANCE FOR: Mark Kupiec **MINUTES OF MEETING:**
November 20, 2015
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1751 W. Barry Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from 35' to 4'; to reduce the east side setback from 2' to 0'; and, to reduce the combined side setback from 5' to 2.5' for a proposed, rear, detached, two-car garage with an exterior fireplace and a roof deck which is accessed via an open stair exceeding 6' in height, upon which will be located the rear yard open space; the existing, two-story, single-family residence will remain.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

DEC 29 2015
 CITY OF CHICAGO

JONATHAN SWAIN
 SOL FLORES
 SHEILA O'GRADY
 BLAKE SERCYE
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

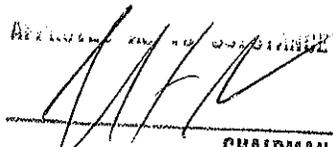
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2015; and

WHEREAS, the Zoning Board of Appeals, 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 4'; to reduce the east side setback to 0'; and, to reduce the combined side setback to 2.5' for a proposed, rear, detached, two-car garage with an exterior fireplace and a roof deck which is accessed via an open stair exceeding 6' in height, upon which will be located the rear yard open space; the existing, two-story, single-family residence will remain; 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.



 CHAIRMAN

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

APPLICANT: Victory House Chicago

CAL NO.: 451-15-S

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:
November 20, 2015

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4017 W. Ogden Avenue

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a 42-bed, transitional shelter.

ACTION OF BOARD.
APPLICATION APPROVED

THE VOTE

DEC 29 2015
CITY OF CHICAGO

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
BLAKE SERCYE
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

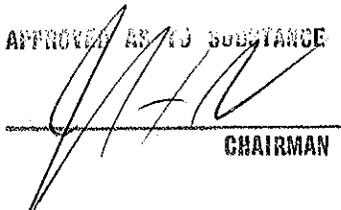
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2015; and

WHEREAS, the Zoning Board of Appeals, 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 with 42 beds; 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; 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): The development is consistent with the design, layout and plans prepared by Red Architects and dated October 29, 2015.

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: Spencer Leak & Sons Funeral Home, Ltd. **CAL NO.:** 452-15-S

APPEARANCE FOR: Adrienne Chan **MINUTES OF MEETING:**
November 20, 2015

APPEARANCE AGAINST: None

PREMISES AFFECTED: 7831 S. Cottage Grove Avenue

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of 11 off-site, required, accessory parking spaces to serve a proposed banquet facility to be located at 7851 S. Cottage Grove Avenue.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

DEC 29 2015
CITY OF CHICAGO

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
BLAKE SERCYE
SAM TOIA

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 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2015; and

WHEREAS, the Zoning Board of Appeals, 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 11 off-site, required, accessory parking spaces to serve a proposed banquet facility to be located at 7851 S. Cottage Grove Avenue ; the applicant testified that the banquet facility would only be used by clients of the funeral home; a variation for shared parking was also granted to the subject site in Cal. No. 453-15-Z; 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; 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):

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


 JONATHAN SWAIN
 CHAIRMAN

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

APPLICANT: Spencer Leak & Sons Funeral Home, Ltd. **CAL NO.:** 453-15-Z
APPEARANCE FOR: Adrienne Chan **MINUTES OF MEETING:** November 20, 2015
APPEARANCE AGAINST: None
PREMISES AFFECTED: 7831 S. Cottage Grove Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a shared parking agreement, for 11 off-site, required, accessory parking spaces to serve a proposed banquet facility to be located at 7851 S. Cottage Grove Avenue.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

DEC 29 2015
 CITY OF CHICAGO

JONATHAN SWAIN
 SOL FLORES
 SHEILA O'GRADY
 BLAKE SERCYE
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

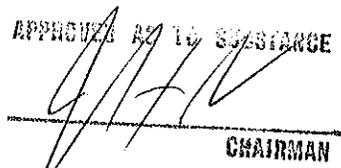
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2015; and

WHEREAS, the Zoning Board of Appeals, 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 shared parking for 11 off-site required, accessory parking spaces that will serve a banquet facility located at 7851 S. Cottage Grove; a special use was also granted to the subject site in Cal. No. 452-15-S to establish off-site parking; 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: L&J Food & Liquor, Inc.

CAL NO.: 454-15-S

APPEARANCE FOR: Sana Hussien

MINUTES OF MEETING:
November 20, 2015

APPEARANCE AGAINST: None

PREMISES AFFECTED: 260 N. Pulaski Road

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval to expand an existing liquor store.

ACTION OF BOARD-
APPLICATION APPROVED

DEC 22 2015

CITY OF CHICAGO

JONATHAN SWAIN

SOL FLORES

SHEILA O'GRADY

BLAKE SERCYE

SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

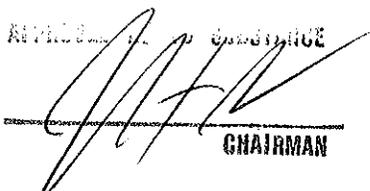
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2015; and

WHEREAS, the Zoning Board of Appeals, 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 expand an existing liquor store 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; 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):

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


CHAIRMAN

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

APPLICANT: SOS Swagger, Ltd. **CAL NO.:** 455-15-S
APPEARANCE FOR: Paul Montes II **MINUTES OF MEETING:**
November 20, 2015
APPEARANCE AGAINST: None
PREMISES AFFECTED: 5048-58 South Prairie Avenue

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a tavern with an at-grade, outdoor patio.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

DEC 29 2015
CITY OF CHICAGO

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
BLAKE SERCYE
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

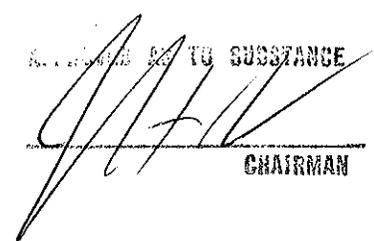
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2015; and

WHEREAS, the Zoning Board of Appeals, 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 tavern with an at-grade, outdoor patio 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; 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):

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



 CHAIRMAN

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

APPLICANT: Montessori Magpie Child Service, Ltd. **CAL NO.:** 456-15-Z

APPEARANCE FOR: Farhana Majid **MINUTES OF MEETING:**
November 20, 2015

APPEARANCE AGAINST: None

PREMISES AFFECTED: 835 N. Ashland Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval of the establishment of to increase, by not more than 25% (130'), the maximum distance (600') that required parking spaces are permitted to be located (936 North Ashland Avenue) from the proposed daycare use at this location.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

DEC 29 2015
CITY OF CHICAGO

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
BLAKE SERCYE
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

THE RESOLUTION:

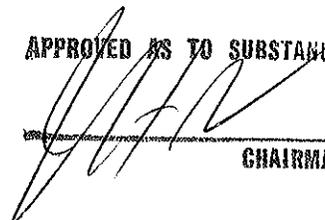
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2015; and

WHEREAS, the Zoning Board of Appeals, 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, by not more than 25% (130'), the maximum distance (600') that required parking spaces are permitted to be located (936 N. Ashland Avenue) from the proposed daycare use at this location; a special use was granted in Cal. No. 457-15-S; 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: Parth 13, Inc.

CAL NO.: 458-15-S

APPEARANCE FOR: Amit Patel

MINUTES OF MEETING:
November 20, 2015

APPEARANCE AGAINST: None

PREMISES AFFECTED: 6501-49 S. Cicero Avenue

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a 74-room hotel with 25 accessory, on-site, parking spaces.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

DEC 20 2015
CITY OF CHICAGO

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
BLAKE SERCYE
SAM TOIA

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 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2015; and

WHEREAS, the Zoning Board of Appeals, 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 74-room hotel with 25 accessory, on-site, parking spaces; 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; 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): The development is consistent with the design, layout, materials and plans prepared by Owen F. Slagle and dated October 8, 2015.

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: CFT Developments, Inc.

CAL NO.: 459-15-S

APPEARANCE FOR: Amit Patel

MINUTES OF MEETING:
November 20, 2015

APPEARANCE AGAINST: None

PREMISES AFFECTED: 6501-49 South Cicero Avenue

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval to establish one drive-through lane to serve a one-story restaurant.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

DEC 29 2015
CITY OF CHICAGO

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
BLAKE SERCYE
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
RECUSED		

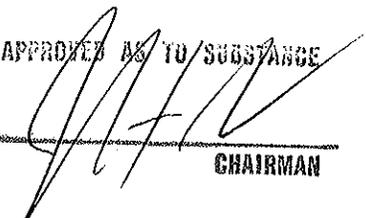
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2015; and

WHEREAS, the Zoning Board of Appeals, 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 one drive-through lane to serve a one-story 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; 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): The development is consistent with the design, layout, materials and plans prepared by Heights Venture Architects and dated October 12, 2015 (landscape plan) and October 30, 2015 (site plan).

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: Robert and Taylor Oliver

CAL NO.: 461-15-Z

APPEARANCE FOR: Nick Ftikas

MINUTES OF MEETING:
November 20, 2015

APPEARANCE AGAINST: None

PREMISES AFFECTED: 543 N. Wood Street

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the rear setback from 21.9' to 0' and to reduce the north side setback from 2' to 1.5' for a proposed, three-story, single-family residence with a rear, attached, two-car garage.

ACTION OF BOARD-
VARIATION GRANTED

DEC 29 2015
CITY OF CHICAGO

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
BLAKE SERCYE
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

THE RESOLUTION:

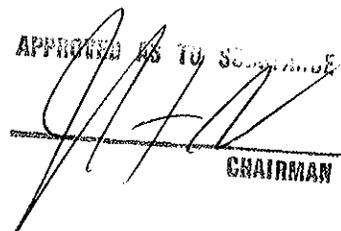
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2015; and

WHEREAS, the Zoning Board of Appeals, 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 0' and to reduce the north side setback from 2' to 1.5' for a proposed, three-story, single-family residence with a rear, attached, two-car 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.

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APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Tri City Foods of Illinois, Inc./DBA Burger King **CAL NO.:** 462-15-S

APPEARANCE FOR: **MINUTES OF MEETING:**
November 20, 2015

APPEARANCE AGAINST:

PREMISES AFFECTED: 28 E. 87th Street

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of re-establish a one-story restaurant with a drive-through lane.

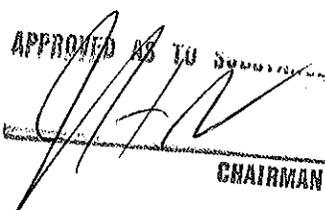
ACTION OF BOARD-
CASE CONTINUED TO FEBRUARY 19, 2016

DEC 29 2015
CITY OF CHICAGO

THE VOTE

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
BLAKE SERCYE
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

APPROVED AS TO SUMMARY

CHAIRMAN

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

APPLICANT: Tri City Foods of Illinois, Inc./DBA Burger King

CAL NO.: 463-15-S

APPEARANCE FOR:

MINUTES OF MEETING:
November 20, 2015

APPEARANCE AGAINST:

PREMISES AFFECTED: 3953 West Chicago Avenue

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the re-establish a one-story restaurant with a drive-through lane.

ACTION OF BOARD-

CASE CONTINUED TO FEBRUARY 19, 2016

THE VOTE

DEC 29 2015
CITY OF CHICAGO

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
BLAKE SERCYE
SAM TOIA

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: 850 West Newport, LLC

CAL NO.: 464-15-Z

APPEARANCE FOR: Nick Ftikas

MINUTES OF MEETING:
November 20, 2015

APPEARANCE AGAINST: None

PREMISES AFFECTED: 850 W. Newport Avenue

NATURE OF REQUEST: Application for a variation to reduce the east side setback from 4' to 0'; to reduce the west side setback from 4' to 0'; to reduce the combined side setback from 10' to 0'; to reduce the rear setback from 35.19' to 28.02'; and, to reduce the 504 square feet of rear yard open space to 477.32 square feet for a proposed, east and west, four-story addition, each with a four-story open porch, to allow for the conversion of this existing, four-story, six-unit building into a 14-unit building, which is deemed to be a contributing building within the Newport Avenue Landmark District; the existing, detached, two-car garage will remain unchanged.

ACTION OF BOARD.
VARIATION GRANTED

THE VOTE

DEC 20 2015
CITY OF CHICAGO

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
BLAKE SERCYE
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
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X		
X		

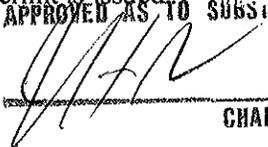
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2015; and

WHEREAS, the Zoning Board of Appeals, 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 east side setback to 0'; to reduce the west side setback to 0'; to reduce the combined side setback to 0'; to reduce the rear setback to 28.02'; and, to reduce the 504 square feet of rear yard open space to 477.32 square feet for a proposed, east and west, four-story addition, each with a four-story open porch, to allow for the conversion of this existing, four-story, six-unit building into a 14-unit building, which is deemed to be a contributing building within the Newport Avenue Landmark District; the existing, detached, two-car garage will remain unchanged; 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: CA Residential 1418 W. Addison, LLC **CAL NO.:** 465-15-Z
APPEARANCE FOR: Nick Ftikas **MINUTES OF MEETING:** November 20, 2015
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1418 W. Addison Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback from 37.5' to 20.17'; to reduce the west side setback from 6' to 2.64'; and, to reduce the rear yard open space from 500 square feet to zero square feet for a proposed, third-floor addition to an existing, two-story, single-family residence being converted to a 10-unit building; a rear, attached, three-car garage and seven, rear, surface, parking spaces will also be provided.

**ACTION OF BOARD-
 VARIATION GRANTED**

THE VOTE

DEC 29 2015
 CITY OF CHICAGO

JONATHAN SWAIN
 SOL FLORES
 SHEILA O'GRADY
 BLAKE SERCYE
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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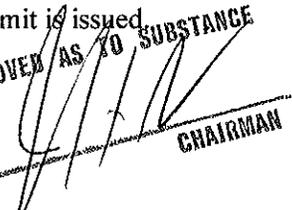
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2015; and

WHEREAS, the Zoning Board of Appeals, 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 20.17; to reduce the west side setback to 2.64'; and, to reduce the rear yard open space to zero square feet for a proposed, third-floor addition to an existing, two-story, single-family residence being converted to a 10-unit building; a rear, attached, three-car garage and seven, rear, surface, parking spaces will also be provided; 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: Loyola Partners, LLC **CAL NO.:** 466-15-Z
APPEARANCE FOR: Rolando Acosta **MINUTES OF MEETING:**
November 20, 2015
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1221 W. Devon Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the rear setback from 30' to 15' and to reduce the south side setback from 8' to 0' for a proposed, two-story addition to an existing, one-story restaurant,; the ground floor will contain office/retail space and four, enclosed parking spaces.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

DEC 29 2015
 CITY OF CHICAGO

JONATHAN SWAIN
 SOL FLORES
 SHEILA O'GRADY
 BLAKE SERCYE
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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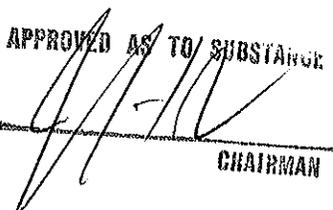
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2015; and

WHEREAS, the Zoning Board of Appeals, 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 educe the rear setback to 15' and to reduce the south side setback to 0' for a proposed, two-story addition to an existing, one-story restaurant,; the ground floor will contain office/retail space and four, enclosed parking spaces; 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 29 2015
CITY OF CHICAGO

**Custom Strains/DBA The Herbal Care
Center**

APPLICANT

467-15-S

CALENDAR NUMBER

1301 S. Western Avenue

PREMISES AFFECTED

November 20, 2015

HEARING DATE

Jim Banks

APPEARANCE FOR APPLICANT

NO OBJECTORS

OBJECTORS

NATURE OF REQUEST

Application for a special use to establish a medical cannabis dispensary.

ACTION OF BOARD

THE VOTE

The application for the special use is approved subject to the conditions specified in this decision.

Jonathan Swain, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sol Flores	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sheila O'Grady	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Blake Sercye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Toia (recused)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

APPROVE

DENY

ABSENT

THE RESOLUTION OF THE BOARD

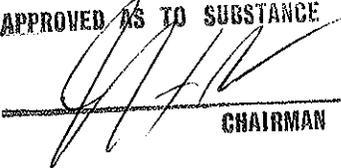
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on November 20, 2015, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance ("Zoning Ordinance") and by publication in the *Chicago Sun-Times*; and

WHEREAS, Mr. Jim Banks, counsel for the Applicant, stated that the Applicant had previously appeared before the Board under Board calendar number 406-14-S with respect to a special use for a medical cannabis dispensary; and

WHEREAS, the Board took judicial notice of the Illinois Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/1 *et. seq.* (the "Act"); and

WHEREAS, the Board then took notice of and adopted the record of the hearing held on November 21, 2014, and bearing Board calendar number 406-14-S; that the Board

APPROVED AS TO SUBSTANCE


CHAIRMAN

then stated that the Applicant should limit its testimony in the instant matter to how its new application differed from its prior application; and

WHEREAS, Mr. Banks explained that although both the Board and the State of Illinois had approved the Applicant's prior location at 1105 W. Fulton Market Street, the Applicant had found there were still obstacles at the 1105 W. Fulton Market Street site; that therefore, the Applicant looked for a new location; that the new location is the subject property; that the subject property is a much better site; that he then explained the differences between the prior site and the subject property; and

WHEREAS, Mr. Jim Banks, counsel for the Applicant, explained the underlying basis for the relief sought; and

WHEREAS, Mr. Perry Manderla testified on behalf of the Applicant; that he is the owner and managing member of the Applicant; that all previous testimony regarding the ownership of the Applicant was still correct; that apart from the Applicant's new head of security, the Applicant's team remained the same at the new location as it had been for the 1105 W. Fulton Market location; that the Applicant was leasing the building located at the subject property; and

WHEREAS, Mr. Hunter Sutterfield testified on behalf of the Applicant; that he is the agent-in-charge for the proposed medical cannabis dispensary; that he was part of the Applicant's original team and had testified before the Board on November 21, 2014; that he then walked the Board through the operation of the proposed dispensary, explaining how the dispensary would be accessed by patients and which portions of the dispensary were restricted; that the dispensary will operate as previously testified to back in November 2014; and

WHEREAS in response to questions by the Board, Mr. Sutterfield further testified that that the Applicant would accept both cash and debit cards; that since the hearing last November, the Applicant had established banking relationships and armored cars would pickup the cash and transport it to a bank facility; that the Applicant anticipated product deliveries to the site once a week at off-times; that the Applicant would discuss with the community the best time for deliveries; that the delivery truck will be able to pull into the dispensary; that there will be a ramp that will be lowered down to allow a truck to enter the facility similar to courthouses or the federal reserve; that the Applicant will escort patients from its parking lot to the dispensary; and

WHEREAS, Mr. James Smith testified on behalf of the Applicant; that he is a certified protection professional and managing member of Silver Star Protection Group ("Silver Star"); that he holds a title as security and risk assessment leader; that he has 30 years of experience in the security industry, including the Cook County Sheriff's Office and the US Marshall's Office; that the Applicant has contracted with Silver Star to develop, implement and staff a security plan for the Applicant's proposed dispensary at 1301 S. Western; that Silver Star has assisted 6 other dispensaries and 3 cultivation centers in obtaining their licensing and planning their operations; that he then testified to

the particulars of Silver Star's security plan for proposed dispensary at the subject property; that based on his experience, he has never noticed an increase in the crime rate when a facility with this type of intensive security plan has opened in a particular area; that in his opinion, the proposed special use will not have a detrimental effect on the neighborhood; and

WHEREAS, Mr. Mike Wolin testified on behalf of the Applicant; that his credentials as an expert in real estate appraisal were acknowledged by the Board; that he has physically inspected the subject property and its surrounding area; that his findings are contained in his report on the subject property; his report was submitted and accepted by the Board; that his report fully addresses all of the criteria identified in this Zoning Ordinance which must be addressed in support of such an application; that he then orally testified to following: (1) that the proposed special use complies with all applicable standards of this Zoning Ordinance; (2) that the proposed use is in the interest of the public convenience and will have no significant adverse impact on the surrounding neighborhood as it is not located within 1000 feet of a school, daycare or nursing facility; (3) is compatible with the character of the surrounding area in terms of site planning and building scale and project design as the subject property is surrounded by older industrial, commercial and mixed use properties; (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, as a medical cannabis dispensary is very similar to a hybrid pharmacy; (5) and will promote pedestrian safety and comfort because there is onsite parking for 12 cars; and

WHEREAS, in response to questions by the Board, Mr. Banks explained that the parking determination the Applicant received from the City is for 5 cars; that nevertheless the Applicant is providing 12 onsite parking spaces; that the Applicant would like to reserve as much of that parking for its guests rather than employees; and

WHEREAS, Mr. Manderla testified that the Applicant had interior parking in the dock area for its employees; that there is also street parking available for its employees; that the 12 parking spaces are primarily to be used by patients; that patients are by appointment only so there will never be any parking congestion; and

WHEREAS, Alderman Jason Erwin testified that he had no objection to the application; that the subject property is very compatible for the proposed special use as the area is located less than a block away from the Illinois Medical District and is therefore within walking proximity to 5 major hospitals; that the proposed special use is therefore the best use of the area; that the building on the subject property has been underutilized for the last 5 years and the proposed use brings the building to life; that the community raised very few concerns about the proposed special use and all concerns raised had been addressed by the Applicant; and

WHEREAS, the staff of the Department of Planning and Development recommended approval of the proposed medical cannabis dispensary provided the development is established consistent with the design, layout and plans prepared by Studio ARQ and

dated November 17, 2015 for the site plan and November 19, 2015 for the landscape plan; 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 as evidenced by the Act and will have no significant adverse impact on the surrounding neighborhood as both the Applicant's safety and operational plans for its proposed special use are designed so that the special use does not disrupt the surrounding neighborhood in any way. The Board finds the testimony of Mr. Sutterfield and Mr. Smith to be very credible in this regard. In addition, as Alderman Erwin testified, the subject location is located only 1 block away from the Illinois Medical District and is within walking distance of 5 major hospitals making the proposed special use very much in the interest of the public convenience.
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 the special use will be located in an existing older building and because the proposed use fits in well with the older commercial, industrial and mixed-use of the surrounding area. The Board finds Mr. Wolin's expert testimony to be very credible as to this factor.
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 because the Applicant will operate as a hybrid pharmacy.
5. The proposed special use is designed to promote pedestrian safety and comfort as the proposed special use will utilize an already existing building and as the Applicant will provide 12 onsite parking spaces.

RESOLVED, the aforesaid special use application is hereby approved, and the Zoning Administrator is authorized to permit said special use subject to the following condition, pursuant to the authority granted by Section 17-13-0906 of the Chicago Zoning Ordinance:

1. The special use shall be developed consistent with the design, layout and plans prepared by Studio ARQ and dated November 17, 2015 for the site plan and November 19, 2015 for the landscape plan.

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 Law (735 ILCS 5/3-101 *et. seq.*).

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

APPLICANT: Harborside Illinois Grown Medicine, Inc. **CAL NO.:** 180-15-S

APPEARANCE FOR: **MINUTES OF MEETING:**
November 20, 2015

APPEARANCE AGAINST:

PREMISES AFFECTED: 1111 East 87th Street

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a medical cannabis dispensary.

ACTION OF BOARD-
WITHDRAWN ON MOTION OF THE APPLICANT

THE VOTE

DEC 29 2015
CITY OF CHICAGO

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
BLAKE SERCYE
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

CHAIRMAN
APPROVED AS TO SUBSTANCE
APPROVED AS TO SUBSTANCE
CHAIRMAN

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

APPLICANT: 735 N. Wells, LLC c/o Jenel Management Corporation **CAL NO.:** 239-15-Z

APPEARANCE FOR: Bernard Citron **MINUTES OF MEETING:** November 20, 2015

APPEARANCE AGAINST: None

PREMISES AFFECTED: 755 N. Wells Street

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the length of the off-street loading space from 10' x 25' x 14' to 10' x 20.58' x 9' for the proposed conversion of a ground floor parking garage into retail space in a three-story, commercial/retail building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

DEC 29 2015
CITY OF CHICAGO

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
BLAKE SERCYE
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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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 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 2, 2015; and

WHEREAS, the Zoning Board of Appeals, 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 length of the off-street loading space from 10' x 25' x 14' to 10' x 20.58' x 9' for the proposed conversion of a ground floor parking garage into retail space in a three-story, commercial/retail 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: Robert Matteson **CAL NO.:** 308-15-Z

APPEARANCE FOR: Rolando Acosta **MINUTES OF MEETING:**

August 21, 2015

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2222 N. Racine Avenue, Unit 5

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the rear setback from 37.24' to 29.69' for a proposed, third floor addition to this individual unit within an existing, two-story, multi-unit building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

DEC 29 2015
CITY OF CHICAGO

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
BLAKE SERCYE
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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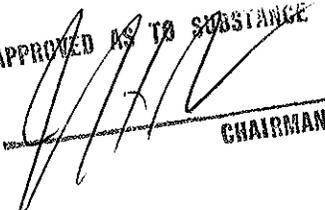
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on August 6, 2015; and

WHEREAS, the Zoning Board of Appeals, 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 29.69' for a proposed, third floor addition to this individual unit within an existing, two-story, multi-unit building; an additional variation was also granted to the subject site in Cal. No. 309-15-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: Robert Matteson **CAL NO.:** 309-15-Z
APPEARANCE FOR: Rolando Acosta **MINUTES OF MEETING:**
November 20, 2015
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2222 N. Racine Avenue, Unit 5

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to increase the pre-existing floor area of 32,469.55 square feet by no more than 15% for a proposed, third floor addition to this individual unit within an existing, two-story, multi-unit building.

**ACTION OF BOARD-
VARIATION GRANTED**

DEC 29 2015
CITY OF CHICAGO

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
BLAKE SERCYE
SAM TOIA

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
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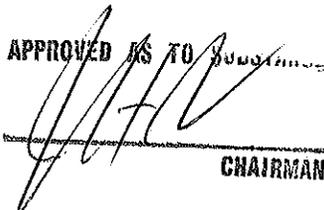
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on August 6, 2015; and

WHEREAS, the Zoning Board of Appeals, 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 pre-existing floor area of 32,469.55 square feet by no more than 15% for a proposed, third floor addition to this individual unit within an existing, two-story, multi-unit building; an additional variation was granted in Cal. No. 308-15-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: Evan and Jennifer Djikas **CAL NO.:** 315-15-Z
APPEARANCE FOR: Nick Ftikas **MINUTES OF MEETING:**
August 21, 2015
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1119 W. Drummond Place

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the west side setback from 2' to 0'; to reduce the combined side setback from 5' to 2.91'; and, to reduce the rear setback from 37.42' to 22' for a proposed, two-story, rear addition, with a third floor open deck, to an existing three-story, three unit building being converted to a single-family residence and a connected, via an exterior stair to a proposed rear detached, two-car garage with an exterior fireplace and a roof deck.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

DEC 29 2015
CITY OF CHICAGO

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
BLAKE SERCYE
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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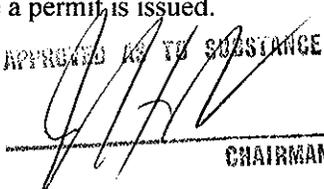
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on August 6, 2015; and

WHEREAS, the Zoning Board of Appeals, 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 side setback to 0'; to reduce the combined side setback to 2.91'; and, to reduce the rear setback to 22' for a proposed, two-story, rear addition, with a third floor open deck, to an existing three-story, three unit building being converted to a single-family residence and a connected, via an exterior stair to a proposed rear detached, two-car garage with an exterior fireplace and a roof deck; additional variations were granted in Cal. No. 316-15-Z and 317-15-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: Evan and Jennifer Djikas **CAL NO.:** 316-15-Z
APPEARANCE FOR: Nick Ftikas **MINUTES OF MEETING:** November 20, 2015
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1119 W. Drummond Place

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to increase the pre-existing floor area of 3,779.798 square feet by no more than 15% (478.4722 square feet) for a proposed, two-story, rear addition, with a third floor open deck, to an existing three-story, three-unit building being converted to a single family residence and connected, via an exterior stair, to a proposed, rear, detached, two-car garage with an exterior fireplace and a roof deck.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

DEC 29 2015
CITY OF CHICAGO

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
BLAKE SERCYE
SAM TOIA

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 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on August 6, 2015; and

WHEREAS, the Zoning Board of Appeals, 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 pre-existing floor area of 3,779.798 square feet by no more than 15% (478.4722 square feet) for a proposed, two-story, rear addition, with a third floor open deck, to an existing three-story, three-unit building being converted to a single family residence and connected, via an exterior stair, to a proposed, rear, detached, two-car garage with an exterior fireplace and a roof deck; additional variations were granted in Cal. No. 315-15-Z and 317-15-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

 CHAIRMAN

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

APPLICANT: Evan and Jennifer Djikas

CAL NO.: 317-15-Z

APPEARANCE FOR: Nick Ftikas

MINUTES OF MEETING:
November 20, 2015

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1119 W. Drummond Place

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to increase the 480 square foot area within the rear setback which may be occupied by an accessory building, by no more than 10% to 498.33 square feet for a proposed, two-story, rear addition, with a third floor open deck, to existing three-story, three-unit building being converted to a single family residence and connected, via an exterior stair, to a proposed, rear, detached, two-car garage with an exterior fireplace and a roof deck.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

DEC 29 2015
CITY OF CHICAGO

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		

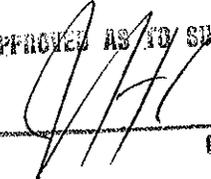
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on August 6, 2015; and

WHEREAS, the Zoning Board of Appeals, 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 480 square foot area within the rear setback which may be occupied by an accessory building, by no more than 10% to 498.33 square feet for a proposed, two-story, rear addition, with a third floor open deck, to existing three-story, three-unit building being converted to a single family residence and connected, via an exterior stair, to a proposed, rear, detached, two-car garage with an exterior fireplace and a roof deck; additional variations were granted in Cal. No. 316-15-Z and 317-15-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: Cermak Recycling, Inc. **CAL NO.:** 318-15-S
APPEARANCE FOR: Nick Ftikas **MINUTES OF MEETING:**
November 20, 2015
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1001 West Cermak Road

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a Class V recycling facility.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

DEC 29 2015
CITY OF CHICAGO

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
BLAKE SERCYE
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		

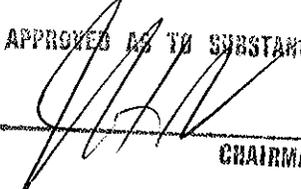
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on August 6, 2015; and

WHEREAS, the Zoning Board of Appeals, 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 Class V recycling facility 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; 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): The development is consistent with the design, layout and plans prepared by Axios Architects and dated October 30, 2015 (site plan) and November 2, 2015 (landscape plan).

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: Bijou Hair **CAL NO.:** 346-15-S

APPEARANCE FOR: Ebere Ekechukwu **MINUTES OF MEETING:**
November 20, 2015

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2110 E. 71st Street

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a hair braiding salon.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

DEC 29 2015
CITY OF CHICAGO

JONATHAN SWAIN
SOL FLORES
SHEILA O'GRADY
BLAKE SERCYE
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

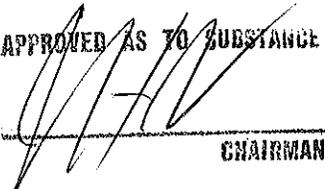
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 3, 2015; and

WHEREAS, the Zoning Board of Appeals, 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 braiding salon ;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; 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):

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: Aces Square, Inc. / DBA Tigerlilie Salon **CAL NO.:** 390-15-S

APPEARANCE FOR: Angelica Rivera **MINUTES OF MEETING:**
November 20, 2015

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4539 N. Western Avenue

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a hair salon.

ACTION OF BOARD:
APPLICATION APPROVED

DEC 29 2015
CITY OF CHICAGO

THE VOTE

	AFFIRMATIVE	NEGATIVE	ABSENT
JONATHAN SWAIN	X		
SOL FLORES			X
SHEILA O'GRADY	X		
BLAKE SERCYE	X		
SAM TOIA	X		

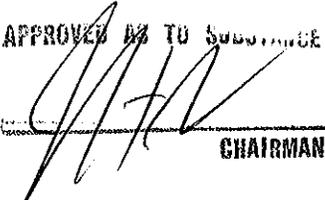
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 20, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 5, 2015; and

WHEREAS, the Zoning Board of Appeals, 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; 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):

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 21 2015
CITY OF CHICAGO
SECRETARY OF THE CITY CLERK

412-15-S
CALENDAR NUMBERS

Rosecrance, Inc.
APPLICANT

October 16, 2015
HEARING DATE

3701 N Ashland & 1156 W Waveland Aves
PREMISES AFFECTED

Bridget O’Keefe & James Ossyra
APPEARANCE FOR APPLICANT

Rolando Acosta & Michael Franz
APPEARANCE FOR OBJECTORS

NATURE OF REQUEST

Application for a special use to establish a transitional residence for up to 30 individuals with medical offices located on the ground floor and five rear surface parking spaces.

ACTION OF BOARD

THE VOTE

The application for the special use is approved subject to the conditions specified in this decision.

	APPROVE	DENY	ABSENT
Jonathan Swain, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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"/>
Blake Sercye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

THE RESOLUTION OF THE BOARD

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 16, 2015, after due notice thereof as provided under Sections 17-13-0107-B of the Chicago Zoning Ordinance (“Zoning Ordinance”) and by publication in the *Chicago Sun-Times*; and

WHEREAS, Ms. Bridget O’Keefe, co-counsel for the Applicant, explained the history of the property and the underlying basis of relief sought; that the Applicant is a nationally recognized leader in the field of providing high quality abstinence based substance abuse treatment centers; that the Applicant has thirty-nine (39) existing facilities including five (5) recovery homes; that the Applicant is based in Rockford, Illinois; that the Applicant is seeking a special use permit to locate a new recovery home at the subject property; that said recovery home would be for twenty-four (24) to thirty (30) individuals primarily between the ages of eighteen (18) to twenty-nine (29) who are seeking a sober living environment; that the subject property is located in a B2-3 zoning district which allows transitional residences as a special use; and

APPROVED AS TO SUBSTANCE

CHAIRMAN

WHEREAS, Mr. Philip Eaton, President and Chief Executive Officer of the Applicant, testified; that the Applicant was founded in 1916 and has been in continuous operation; that the Applicant has been providing substance abuse treatment since 1982; that the recovery home at the subject property would serve young adults between the ages of eighteen (18) to twenty-nine (29); that the Applicant has decades of experience in addiction treatment with thirty-nine (39) locations serving more than 22,000 individuals; that the recovery home at the subject property will offer structured drug and alcohol free housing with recovery focused participation in a twelve (12) step community; that the Applicant is a private nonprofit organization that has distinguished itself as a good neighbor in Northern Illinois and Southern Wisconsin; that the Applicant encourages its clients to give back to the community with volunteerism and community service; that young adults have unique challenges and problems; that the Applicant serves over 1,000 young adults through various levels of addiction; that the Applicant is uniquely experienced and positioned to develop the recovery home at the subject property; and

WHEREAS, in response to questions by the Board, Mr. Eaton further testified that the Applicant primarily operates in Illinois and Southern Wisconsin; that in Wisconsin, the Applicant operates in both Waukesha and Madison; that Madison is quite a challenging environment due to the college presence there and high incidence of drinking in college students; that the Applicant only operates an outpatient clinic in Madison not a recovery home; that the primary principles of managing a successful recovery environment actually are irrelevant in terms of the location; that instead, well-trained staff, a highly structured program, a strict code of conduct for the clients that reside in the facility as well as a high degree of accountability are important; that while the Applicant considers the environment in which the clients are living, it is not the most important thing to consider; and

WHEREAS, Mr. Eaton then testified that the first floor of the recovery home at the subject property will be a licensed accredited substance abuse counseling center for outpatient services for adults; that the Applicant expects the substance abuse counseling center to cater to young adults; that the Applicant is operating a similar outpatient clinic at 2835 N. Sheffield in Lakeview; that the Applicant has been at said location for five (5) years; that with respect to the recovery home at the subject property, the Applicant will have six (6) three bedroom units; that there will be five (5) residents per unit; that the Applicant will serve both men and women at the subject property but that the units will be gender specific; that the Applicant serves transgender people; that the proposed recovery home will be licensed by the State of Illinois Division of Alcoholism and Substance Abuse (“DASA”); that the need in Chicago for the services the Applicant provides is unquestionable due to the United States’ tremendous drug dilemma; that with respect to Lakeview specifically, the need is demonstrated by the more than 400 12-step weekly meetings – both AA and NA – in the Lakeview and Lincoln Park neighborhoods; and

WHEREAS, in response to questions from the Board, Mr. Eaton testified that the situation in the Lakeview and Lincoln Park neighborhoods is probably similar to other

Chicago neighborhoods; that the Applicant's goal is to be in Chicago and the subject property is where the Applicant is starting; and

WHEREAS, Mr. Eaton then testified that DASA licenses recovery homes in Illinois; that the Applicant is also accredited by the Joint Commission of Healthcare Facilities and has been so since 1984; that the Applicant's other recovery homes are located in residential neighborhoods; that the Applicant's largest recovery home serves thirty-two (32) adults and is located in a mixed neighborhood of multifamily buildings, single-family homes and is located across the street from an elementary school; and

WHEREAS, Mr. Michael Franz, co-counsel for the Objectors, was granted leave to cross-examine Mr. Eaton; that Mr. Eaton further testified that he is aware of Alderman Tunney's four (4) conditions that Alderman Tunney ("Alderman") would require the Applicant to meet in order to obtain the Alderman's approval of the application; that the people the Applicant is trying to provide treatment for lack certain life skills; that the culture within the environment is important for recovery; that he himself lived in Chicago for a number of years; that in the last six months he has become familiar with the Lakeview neighborhood; that at all public meetings about the Applicant's application, Lakeview residents have emphasized that the neighborhood is a residential, family friendly neighborhood; that a bar 300 feet from the subject property is not an issue; that one of the goals of a recovery home is that the residents live in reality; that the residents cannot be sheltered from the environment; that the Applicant teaches its residents to grow and deal with their environment; that there are bars; that many gas stations also serve alcohol though not in Chicago; and

WHEREAS, in response to questions by the Board, Mr. Eaton further testified and explained the difference between the Applicant's in-patient facilities and its recovery homes; that the common areas that are provided for in the recovery home on the subject property are adequate for the operation of said recovery home; that there is a rooftop deck at the subject property; that the Applicant's entire project at the subject property is probably \$5 million; and

WHEREAS, Mr. David Gomel, Chief Operating Officer and Senior Vice President of the Applicant testified; that he is responsible for the direct supervision of the Applicant's program of administrators and directors; that the Applicant's thirty-nine (39) facilities serve approximately 22,000 clients per year and have approximately 750 employees; that DASA and the American Society of Addiction Medicine have four (4) levels of care; that the Applicant provides three (3) of these four (4) levels; that Level One is straight outpatient; that Level Two is intensive outpatient; that the first step for the Applicant with any individual is to determine what level of care is appropriate; that the recovery home at the subject property is appropriate for Level One and Level Two patients; that if someone required detoxification, the Applicant would refer the person to a licensed detoxification center, which are Levels 3.7, 3.9, or 4; that residential inpatient is Level 3.5; that in outpatient, people live in their homes but many clients live in recovery homes; and

WHEREAS, Mr. Gomel then testified that for those who qualify and meet the

Applicant's strict admission criteria, the Applicant will offer a volunteer supportive house option on the second to fourth floors of the recovery home at the subject property; that the residents are committed to their recovery and need peer support, structure and accountability; that the residents will receive life and academic coaching, participate in 12-step meetings, and planned sober activities; that the residents agree to abide by the structure and accountability in the program because they are committed to recovery; that there will be no treatment on floors two through four of the proposed recovery home; that the recovery home is a voluntary program licensed through DASA; that residents find the Applicant's recovery homes through school counselors, physicians, therapists and other residential centers; that when residents enter the proposed recovery home they will be sober seeking sober housing; that the Applicant aggressively screens its clients; that the Applicant excludes people with active eating disorders, suicidality, general violence or sexual violence; that the Applicant anticipates the residents will stay thirty (30) days to eighteen (18) months on average at the proposed recovery home; that the residents will not have cars; that the residents will be able to have visitors though visitors must be approved by the Applicant's staff and are limited to family members, professionals and sponsors; that ninety percent (90%) of visitation occurs off-site; that the days are very structured for the residents; that there will be twenty-four (24) hour staff at the proposed recovery home; that there would be a minimum of one (1) staff person overnight but generally two (2) to three (3) onsite; that there would be three (3) to five (5) staff during peak periods; that the staff levels provided onsite exceed levels required by DASA; that the Applicant will not dispense medication onsite; that medicine proscribed by a physician is stored in a lockbox; that if a resident brings drugs or alcohol onsite, they will lose the privilege of being onsite and will have to find alternative housing; that for other violations, it depends on the rule broken, such as curfew; that however if there is a repeated pattern of minor violations, the individual in question will be asked to leave; and

WHEREAS, Mr. Gomel then testified that there have been no incidents around any of the Applicant's recovery homes that threatened neighborhood safety; that those individuals that begin the Applicant's residential treatment services and complete their course of treatment and discharge services report an eighty-two (82%) abstinence rate; that this eighty-two percent (82%) did so for a period of three (3), six (6) and twelve (12) months; that it costs approximately \$2500 a month to live in the proposed recovery home; that insurance does not cover this service; that insurance will cover the operations on the first floor; that the Applicant has a charity care policy and in the past year gave \$500,000 in charity care; that the \$2500 only covers board not food; that residents are either working, going to school or volunteering in the community; and

WHEREAS, in response to questions by the Board, Mr. Gomel further testified that the Applicant charged approximately \$2000 in Rockford; that the Applicant's residents need family involvement for ongoing recovery; that to that end, the Applicant has family therapy provided by licensed therapists in its counseling component; that all of the Applicant's services require a guarantor of payment; that the Applicant has vast experience working with young people that identify as LGBTQ; that the Applicant then read its policy statement into the record; that with respect to transgender residents, the individual resident chooses his or her gender for the gender assigned apartments; that if

the guarantor cannot pay anymore, the Applicant's charity care policy comes into play; that the Applicant performs random drug testing onsite; that the Applicant searches the rooms and reviews each apartment daily; that all the staff are CPR and first aid trained; that the Applicant does not use methadone and instead has an abstinence based program; that the Alderman's office suggested that the Applicant enter into a good neighbor agreement; that said good neighbor agreement contains pertinent parts of the Applicant's plan of operations; that limiting the Applicant's number of residents would have federal Fair Housing Act ("FHA") and Americans with Disabilities Act ("ADA") implications; and

WHEREAS, Mr. Franz was granted leave to cross-examine Mr. Gomel; that the Applicant is aware that one of the Alderman's conditions for the Alderman to support the application is for the special use to have a two-year restriction; that the Applicant cannot agree to that due to FHA and ADA implications; that the Applicant also cannot agree to the Alderman's condition of limiting the amount of people of the recovery home to eighteen (18) people during the recovery home's first year of operation; that people in recovery are a protected class; and

WHEREAS, in response to questions by the Board, Ms. O'Keefe explained that due to the FHA and the ADA, this is not only a zoning case but a civil rights case; that both the FHA and the ADA identify people in recovery as a protected class and as such are entitled to fair access to housing; that in this particular case, the subject property was rezoned in 2013 for six (6) condos; that no one at the time raised an objection regarding how many people would be living onsite; that the reason the limitation is being asked for today is because of the type of citizen that will be living in the space; and

WHEREAS, Mr. Rolando Acosta, co-counsel for the Objectors, stated that Ms. O'Keefe's explanation was essentially saying that a special use was never required; that Alderman's conditions are not excluding the use but limiting the size of the use; and

WHEREAS, Mr. Franz continued his cross-examination of Mr. Gomel; that Mr. Gomel further testified that the Applicant's recovery home was unlike other rentals in the Lakeview neighborhood as it had twenty-four (24) hour staffing and professional counselors providing support, academic coaching and life coaching; that for recovery purposes the Applicant desired people who were abstinent for thirty (30) days to be residents at its recovery home; that this is the Applicant's preference but not a requirement; that the Applicant knows whether or not an individual has been abstinent due to self-reporting and drug tests; that the Applicant conducts drug tests at its recovery homes at least twice a week; that if a resident tests positive, the Applicant tries to find a more appropriate level of care for the resident; that the appropriate level of care is an inpatient residential facility; that the Applicant deals with any substance abuse issue, including but not limited to prescription painkillers, heroin, and cocaine; that seventy-one percent (71%) of the Applicant's residents in recovery homes successfully finish the program and transfer to independent housing; and

WHEREAS, Ms. Sarah Moscato-Howe, President of the Illinois Alcoholism and Drug Dependence Association, testified on behalf of the Applicant; and

WHEREAS, the Board took judicial notice of the fact that there is a need for recovery homes in the City; that nevertheless Ms. Moscato-Howe was free to testify as to the need for this kind of recovery home in the Lakeview neighborhood specifically; and

WHEREAS, Ms. Moscato-Howe then testified the Applicant's proposed plan of operations is consistent with the best practices of the National Association of Recovery Residences; that it also exceeds the DASA licensure requirements; that there has been an increase of almost 300 people in Chicago trying to get into recovery homes; that the need for recovery homes is present in every neighborhood, especially in Chicago as evidenced by the incident where seventy-two (72) individuals overdosed on heroin on a single weekend; and

WHEREAS, Mr. Acosta was given leave to cross-examine Mr. Gomel; that Mr. Gomel further testified that the Applicant had a national marketing campaign; that while the Applicant hoped that the proposed recovery center would serve young people enrolled at Loyola, DePaul, and the City Colleges, the Applicant would not limit enrollment at the recovery center to Lakeview residents; and

WHEREAS, Mr. George Kiesel testified on behalf of the Applicant; that his credentials as an expert in land planning were acknowledged by the Board; that he has physically inspected the subject property and its surrounding area; that his findings are contained in his report on the subject property; his report was submitted and accepted by the Board; that he then orally testified that the proposed special use: (1) complies with all applicable standards of this Zoning Ordinance as it meets all bulk, density, parking and loading standards and, should the special use be granted, comply with the B2-3 zoning district; (2) is in the interest of the public convenience as prior testimony has established that there is a need for the proposed special use in the greater Chicago area as well as the Lakeview neighborhood, especially when taking into account the over eighty-five (85) locations offering 12-step meetings within a three (3) mile radius of the subject property and will not have an adverse impact on the surrounding neighborhood because the proposed special use is an appropriate use for its specific location as the subject property is located in an area where Ashland Avenue separates two residential areas with a mix of B and C zoning districts where it is typical for there to be ground floor commercial with residential upper floors; that in addition, group living represents no negative impact on the general wealth of the neighborhood and community as a senior living development was recently approved a block south of subject property; further, the Applicant's excellent track record of operating transitional residences will also ensure no adverse impact; (3) is compatible with the character of the surrounding area in terms of site planning, building scale and project design as the proposed use will be housed in an existing four (4) story building nearly identical to the two (2) or three (3) buildings next north of the subject property; that the building is part of the existing urban fabric and fits well within the mixture of residential, mixed use and commercial buildings that occupy this portion of Ashland Avenue; (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 due to the Applicant's operations plan, including residents' curfew and limited hours as well as the loitering prohibition and prohibition on automobile access; (5) is designed to promote pedestrian safety and comfort by the building utilizing alley access to its five-car parking program, the fact the development will not create curb cuts and the 24/7 monitoring of public spaces by staff and security; and

WHEREAS, Mr. Terrence M. O'Brien testified on behalf of the Applicant; that his credentials as an expert in real estate appraisal were acknowledged by the Board; that he has physically inspected the subject property and its surrounding area; that his findings are contained in his report on the subject property; his report was submitted and accepted by the Board; that he then orally testified that in his report he focused on the impact of the existing Hazelden facility located at 867 N. Dearborn; that he did so because the Hazelden facility offers the same types of services as the proposed recovery center and as it is located in the Gold Coast, which is known for its high property values; that the area in which the subject property is located is similar to the Gold Coast with respect to property values; that he conducted a near-far analysis of property values with respect to the Hazelden site; that he then testified as to the results of his analysis; that in his opinion, the proposed special use will have no adverse impact upon surrounding property values; that this is due to the fact that it is a residential use as is the majority of land uses in the subject area; and

WHEREAS, Mr. Acosta was granted leave to cross-examine Mr. O'Brien; that Mr. O'Brien further testified that the Hazelden facility is primarily residential in nature; that the Hazelden facility is located within a planned development ("PD"); that the PD had to be amended to allow Hazelden to locate there; that both Hazelden and the proposed special use are residential in nature; that the land uses surrounding them are similar; and

WHEREAS, Ms. Mary Wagner testified on behalf of the Applicant; that her credentials as an expert in real estate appraisal were acknowledged by the Board; that she has physically inspected the subject property and its surrounding area; that her findings are contained in her report on the subject property; her report was submitted and accepted by the Board; that she then testified she conducted a similar near-far analysis as Mr. O'Brien with respect to the Hazelden property; that she also conducted a near-far analysis with respect to the Alexian Brothers Bonaventure House, a licensed recovery home located at 824 W. Wellington in the Lakeview neighborhood; that the rate of appreciation for the near properties to the Bonaventure House was 5.79%; that the rate of appreciation for the far properties to the Bonaventure House was 5.1%; and

WHEREAS, Mr. Acosta was granted leave to cross-examine Ms. Wagner; that Ms. Wagner further testified that the Hazelden facility does not have storefront windows on its ground floor; that the Bonaventure Home was founded as a home for people suffering from AIDS; that over the years, it has transitioned into a recovery home and is licensed as such; that she believes the Bonaventure House is purely residential in use; and

WHEREAS, Ms. O'Keefe explained that in 2013, the City Council approved a zoning amendment to the subject property to rezone the property from a C1-2 zoning district to a B2-3 zoning district; that in October 2015, the Board approved a variation to permit development of a six (6) unit condo building on the subject property; that the only difference between the October 2015 application and the Applicant's application is a surface parking lot and the nature of the people that will be housed at the subject property; that the Alderman's request to limit how many people can live onsite and how long the special use may be in existence is solely due to the type of people who are living at the facility; that this is the summation of the Applicant's fair housing argument; and

WHEREAS, Mr. Kenneth Walden, managing attorney for Access Living, testified on behalf of the Applicant; that Access Living is a discriminatory rights organization; that land use decisions are subject to federal laws as well as local ordinances; that with respect to recovery homes, if a zoning board's decision is motivated in part and formed in part or influenced in part by neighborhood opposition that is rooted in stigma attached to the population being served by the recovery home, it is problematic; that courts have consistently held that when zoning boards and other similar boards are influenced by neighborhood opposition that is rooted in stigma and prejudice those decisions are contrary to the FHA and the ADA; and

WHEREAS, Ms. Rebecca Roseman, of 1837 W. Nelson Street, testified in support of the Applicant; that her mother lives within three (3) blocks of the proposed recovery home; that due to this, she frequents the two parks closest to the proposed recovery center; that she was in one of the parks with her son and saw pink signs in said park; that originally she believed the pink signs were some sort of performance art; that she then looked at one of the signs and realized it stated, "If Rosecrance's proposal goes through you may have a person with a criminal record and/or mental disorder sitting here. What can you do? Call and write Alderman Pawar and tell him no to Rosecrance. Get involved with the Lakeview Action Committee. Attend all meetings and voice your concerns"; that there were other signs that stated "you may have a heroin addict sitting here" and "you may have a meth addict sitting here"; that she tore the signs down; that she sent the signs to the Applicant; that these signs are the signs that were now before the Board at this hearing; and

WHEREAS, Mr. Acosta stated that the Lakeview Action Committee repudiated those signs; and

WHEREAS, Mr. Franz was granted leave to cross-examine Ms. Roseman; that she further testified did not see who put the signs up; that the fonts used on the signs is similar to the font used on Lakeview Action Committee publications;

WHEREAS, Mr. Acosta began his case-in-chief; that he represented the Lakeview Action Committee which objected to the application ("Objectors"); and

WHEREAS, Ms. Nora Schweighart, of 3713 Ashland Avenue, testified in objection to the application; that she is a member of Lakeview Action Committee; that the proposed recovery home will have a significantly, potentially irreparable, adverse impact on the neighborhood's general welfare; that the neighborhood is a vibrant, diverse community comprised of mostly families and young individuals; that the proposed recovery home would bring thirty (30) unrelated persons into the neighborhood that would have no investment in Lakeview as the proposed recovery home is like a short-term hotel; that while the Applicant calls the proposed special use a residence it is actually more like a business in that it operates around the clock; that this does not match the character of the neighborhood; and

WHEREAS, in response to questions by the Board, Ms. Schweighart testified that there were Subways in the neighborhood; that she was not aware that a lot of Subways were twenty-four (24) hours; that she did not believe the Subways in the neighborhood were twenty-four (24) hours; that she would be against a Subway restaurant going into the subject property; and

WHEREAS, Ms. Schweighart then testified that the Applicant is deceiving the community by attempting to make its program seem benign by calling the facility a sober living environment; that the Applicant has stated its residents will have jobs and go to school; that this is not true; that the majority of the residents will be new to recovery and will require intensive outpatient services; that they will not have jobs and will not go to school; that it will be the residents of Lakeview that will bear the burden; that the Applicant will not pay property taxes as it is a not-for-profit corporation; that these taxes will instead be reallocated to other residents in the community; that public safety is of great concern due to relapse rate of the proposed demographic of the residents; and

WHEREAS, the Board stated that Ms. Schweighart's opinion seemed to be predicated on the presumption that people in recovery create some kind of detrimental impact on the neighborhood; and

WHEREAS, Ms. Schweighart testified that she did not care what sort of people lived in the proposed facility; that by its nature the facility would have 240 people going through it a year; that this is out of character for the neighborhood; that however, in this particular case, the population in the facility will be early in their recovery; that there will be some relapse, as the Applicant has even admitted; that drug use is associated with crime; that this will be a burden on the community; and

WHEREAS, the Board allowed Ms. Schweighart her presumption that drug use has an impact on crime; that the Board still did not understand Ms. Schweighart's presumption that people in a volunteer recovery program that either they or someone else is paying for have a penchant for unsafe activity; and

WHEREAS, Mr. Acosta stated that since the program is voluntary, any person could walk out at any time; that this could place a burden on the community because at that point the person would not longer be in recovery; and

WHEREAS, the Board stated that perhaps it was best to conceptualize this in terms of two populations; that there is a class of people who use drugs; that however, there is another class of people who self-select to stop using drugs; that the second population will be served by the proposed recovery home; that if the Objectors want to discuss the issue of crime and drug use, the Objectors should do it in terms of the second population; and

WHEREAS, Ms. Schweighart further testified that the Applicant has a big financial incentive to keep the beds filled in the recovery home and this is a conflict of interest to its mission of recovery; that the Applicant's security plan falls woefully short; that the proposed recovery home will decrease quality of life due to increased loitering, smoking, foot traffic and automobile traffic; and

WHEREAS, the Board inquired as to Ms. Schweighart's basis for that; and

WHEREAS, Ms. Schweighart testified that there would be thirty (30) people living in six (6) units; and

WHEREAS, the Board stated that a family of five (5) could live in each unit of the subject property; that this allowed by right; and

WHEREAS, Ms. Schweighart testified that there will increased visitors and traffic; and

WHEREAS, the Board again stated this would be the case if it were a residential building; and

WHEREAS, Ms. Schweighart testified that there will be minimal benefit to the City residents as the Applicant markets its services throughout Michigan, Iowa, Indiana and Wisconsin; that therefore any benefit to the City is minimal; that the Applicant has failed to answer questions posed to it by the community; that Lakeview residents are opposed to the proposed recovery home; that the signs presented by Ms. Roseman are not the message of the Lakeview Action Committee; that the Lakeview Action Committee has denounced the signs; and

WHEREAS, the Board inquired as to Ms. Schweighart's feelings on an Single Room Occupancies building ("SRO") at the subject property; and

WHEREAS, Ms. Schweighart testified she would be opposed to a SRO at the subject property; and

WHEREAS, the Board informed Ms. Schweighart that under this Zoning Ordinance, the Applicant could have a SRO as of right; that the Applicant could also have the whole building be vacation rentals; that vacation rentals were probably the most analogous situation relative to transiency; that the Board needed to understand what differentiated

the proposed special use from other uses that are allowed as of right under this Zoning Ordinance but had the same transient nature; and

WHEREAS, Ms. Schweighart testified that the proposed use looks more like a residential substance abuse treatment center than a sober living home; that the Applicant can unilaterally change its plan of operations; that the Applicant is going about the process backwards as it purchased a building built for a different purpose; that this makes the proposed recovery home too big and dense for the community; that the proposed special use does not fit in with the community; that the Applicant is not a good operator; and

WHEREAS, Mr. Ossyra, co-counsel for the Applicant, was granted leave to cross-examine Ms. Schweighart; that Ms. Schweighart further testified that she was not an expert in addiction recovery; that she does not believe the Applicant; that she hopes the Applicant does abide by the licenses granted to it by the State of Illinois; that she does not believe the proposed special use will provide any benefit to Lakeview; that Lakeview has substance abuse issues; that while facilities like the proposed special use are needed, they have to be approved the right way and not just rammed through; that although strangers come to Lakeview for Wrigley Field, they do not live in her neighborhood; and

WHEREAS, Mr. Mike Wolin testified on behalf of the Objectors; that his credentials as an expert in real appraisal were acknowledged by the Board; that he has physically inspected the subject property and its surrounding area; that his findings are contained in his report on the subject property; his report was submitted and accepted by the Board; that he then orally testified to the following: that primary residences are the single greatest investment for most people; that location should be the major concern of any prospective buyer of property; that Hazeldin is a substantially different location than the subject property; that in terms of general interest of the public convenience and adverse impact on the neighborhood, this proposed special use creates significant concerns as neighborhood concern impacts property values; that the proposed special use is also not in character with the surrounding area in terms of site planning, scale and design as it is not keeping in character with the uses; that the building is designed to house four to five tenants and this area is not that type of environment; that the proposed special use is not compatible with the character of the surrounding area in terms of operating characteristics as there is significant concern that the residents might be smoking and loitering; that the proposed use is not designed for pedestrian safety and comfort due to limited vehicular ingress and egress from the site; that he did not perform a near-far methodology as he could not find any comparable facilities in the Chicagoland community; and

WHEREAS, Mr. Ossyra was granted leave to cross-examine Mr. Wolin; that Mr. Wolin further testified that there is no market data to support his opinion today; that he is not a safety expert; that he is not an addiction expert; that group homes for senior living are very different than recovery homes; that a SRO is an allowed use at the subject property; and

WHEREAS, in response to questions by the Board, Mr. Wolin further testified that a SRO at the subject property would have an adverse impact on the community similar to the proposed special use; that the SRO as a permitted use at this location and in this zoning district is improper; that he is aware that substance abuse disorders are disabilities and thus are covered under fair housing laws; that he is aware that people with substance abuse issues are a protected class; that there is a belief that those recovering from drug addiction would give drugs to a child; that there is no evidence to support this; and

WHEREAS, Mr. Wolin then testified that these concerns are not supported by data; that however what people think or say in the community determines the property value; and

WHEREAS, the Board then asked if perceptions not substantiated by data should have an impact on the Board's zoning analysis; and

WHEREAS, Mr. Wolin testified that it should; and

WHEREAS, the Board stated that this was hard to agree with, especially when considering the housing issues of the 1950s and 1960s; and

WHEREAS, Ms. Stacey Belmont testified on behalf of the Objectors; that she is a licensed clinical psychologist; that the Applicant's model for the proposed special use is the wrong model from a staffing and educational standpoint as well as the wrong model for qualifications of the staff; that the Applicant is not providing adequate staffing; that the licensure requirements for the staff are not sufficient; that the Applicant must do more than have a nondiscriminatory policy for LGBT but instead must affirmatively reach out to the LGBT community; that she has concerns regarding the Applicant's leadership and its impact on the LGBT community; and

WHEREAS, the Board asked the Applicant as to its outreach to an participation with the LGBT community; and

WHEREAS, Mr. Gomel testified that the Applicant operates the only residential adolescent treatment center that will treat transgender youth; that the Applicant is one of the primary referrals for services for New Hope with Pride on Sheffield Avenue, an outpatient substance abuse center; that the Applicant has specific programming in its facilities for those that identify as LGBT; that the Applicant's Chief Medical Officer Tom Wright, a board certified addictionologist and child and adolescent psychologist, identifies as LGBT; that he could not be at the hearing due to his vacation with his husband and child; that the Applicant does not have a specific marketing plan for those that identify as LGBT because there is no need; that the Applicant is known as a residential provider that openly treats all people; that the Applicant does not discriminate against substance abuse and does not discriminate period; that if the Board wishes to put a condition on the application's approval regarding LGBT marketing, the Applicant will gladly put together a plan; and

WHEREAS, Mr. Carl Dobric testified on behalf of the Objectors; that he is currently employed by Hillard Heintze but had a twenty-six (26) year career as a state police officer with most of those years spent in narcotics enforcement; that he has reviewed the Applicant's safety plan; that he does not find the Applicant's safety plan adequate; and

WHEREAS, the Board allowed Ms. O'Keefe to make the Applicant's closing argument; and

WHEREAS, the Board allowed Mr. Acosta to make the Objector's closing argument; and

WHEREAS, Alderman Tom Tunney addressed the Board; that he personally did not have a problem with the Applicant and its LGBT issues or lack thereof; that there is need for the proposed special use in the community; that the Applicant's experience in recovery is long and mostly without incident; that however due to the uniqueness of the location, certain conditions needed to be imposed on the proposed special use; that these conditions were outlined in his letter to the Board; and

WHEREAS, the staff of the Department of Planning and Development recommended approval of the proposed special use provided that said special use is established consistent with the design, layout and plans prepared by Rosecrance Health Network and dated October 12, 2015; and

WHEREAS, the Applicant has presented evidence that the proposed application meets all of the criteria established in Section 17-13-0905-A for the granting of a special use; and

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 standards of this Zoning Ordinance, such as bulk, density, parking and loading standards.
2. The proposed special use is in the interest of the public convenience as evidenced by the numerous 12-step programs within a three (3) mile radius of the subject property and the increase in Chicago residents trying to get into recovery homes. Further, the Board determines that the proposed special use will not have a significant adverse impact on the general welfare of the neighborhood. The Board makes this determination due to Mr. Kiesel's expert testimony as the Board considered Mr. Kiesel a very credible witness. Although the Objectors spent much time arguing that the proposed special use would have an adverse impact on the community, not even Mr. Wolin, the Objectors' expert witness, could point to any empirical evidence that supported their speculations. In the Board's opinion, the Objectors' objections to the proposed special use are based in large part on the fact the proposed special use will be catering to those with substance abuse

issues as when the subject property came before the board in October 2015, no one in the community objected to the variation to build the building itself.

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 a residential use located in a building with ground floor commercial that is similar to other buildings in the immediate area. Again, the Board finds Mr. Kiesel to be a very credible witness.

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 due to the Applicant's plan of operations. The Board makes this determination on the very credible testimony of Mr. Eaton and Mr. Gomel, especially in regards to the Applicant's proven ability to operate recovery homes such as the one proposed at the subject property. The Board, therefore, will be placing a condition on its approval of the application so that special use will be nontransferable and limited solely to the Applicant. However, the Board will not be placing any conditions on the special use that would limit the number of residents to any number that is under the established occupancy of the building. The Board will also not be putting a time limit on the special use. The Board acknowledges that the residents of the recovery home are a protected class under federal fair housing laws and therefore declines to impose any conditions that would discriminate against said protected class by prohibiting them from having an equal opportunity to live at the subject property.

5. The proposed special use is designed to promote pedestrian safety and comfort because the building utilizes alley access for its five-car parking program. Further, the development will not create additional curb cuts and there will be 24/7 monitoring of public space by staff and security.

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 Chicago Zoning Ordinance the Zoning Administrator is authorized to permit said special use subject to the following conditions.

RESOLVED, pursuant to Section 17-13-0906 of the Chicago Zoning Ordinance, the Board imposes the following conditions on said special use:

1. The special use shall be developed consistent with the design, layout and plans prepared by Rosecrance Health Network and dated October 15, 2015; and
2. The special use shall be nontransferable and limited solely to Rosecrance, Inc.

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



DEC 29 2015
CITY OF CHICAGO

Dolyva Properties, LLC
APPLICANT

43-15-Z
CALENDAR NUMBER

3108 S. Giles Avenue
PREMISES AFFECTED

November 20, 2015
HEARING DATE

Nick Ftikas
APPEARANCE FOR APPLICANT

Stephanie Evans & Others
OBJECTORS

NATURE OF REQUEST

Application for a special use to establish a residential use below the second floor for a proposed four-story eight unit building with eight rear surface parking spaces.

ACTION OF BOARD

THE VOTE

The application for a special use is approved subject to the condition specified in this decision.

Jonathan Swain, Chair
Sol Flores
Sheila O'Grady
Blake Sercye
Sam Toia

APPROVE	DENY	ABSENT
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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"/>

THE RESOLUTION OF THE BOARD

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on November 20, 2015, after due notice thereof as provided under Sections 17-13-0107-B and 17-13-0108-A of the Chicago Zoning Ordinance ("Zoning Ordinance") and by publication in the *Chicago Sun-Times*; and

WHEREAS, the Board inquired if the owner of the subject property was still Toia Building Properties LP; and

WHEREAS, Mr. Ftikas, counsel for the Applicant, explained that the property was no longer owned by Toia Building Properties LP; that the Applicant had completed its purchase of the subject property 2 months prior; and

APPROVED AS TO SUBSTANCE

CHAIRMAN

WHEREAS, the Board stated that Toia Buildings Properties LP was owned by a relative of Commissioner Toia though Commissioner Toia himself had no ownership interest in Toia Buildings Property LP; that, however, the subject property was no longer owned by Toia Buildings Property LP; and

WHEREAS, Mr. Ftikas again confirmed that the subject property was not owned by Toia Building Properties LP; and

WHEREAS, the Board stated that Mr. Ftikas could proceed; and

WHEREAS, Mr. Ftikas explained the underlying basis for the relief sought; and

WHEREAS, Ms. Monika Wolinska testified on behalf of the Applicant; that she is the Applicant's managing director; that the Applicant owns the subject property; that the subject property is currently vacant; that the Applicant plans to develop the subject property with a four story residential building; that said building will contain eight units; that parking for all units will be located at the rear of the lot; that as the subject property is located in a B1-3 zoning district, a special use is required to permit residential uses below the second floor; that over the past few years, the Applicant has begun to develop properties in this part of the City; that she has generally become familiar with the market and the area; that this 3000 block of S. Giles is otherwise an all residential street and is in fact a residential district; that all fronts of all the buildings on this block are oriented towards S. Giles; that the Applicant intends to finish off this residential block by developing a corner with a residential building that fronts onto S. Giles; that the Applicant's building is compatible with the rest of the buildings on S. Giles, specifically, the single-family and multi-family residential buildings that are south of the subject property and face S. Giles; and

WHEREAS, Mr. Kareem Musawwir testified on behalf of the application; that his credentials as an expert in land planning were acknowledged by the Board; that he has physically inspected the subject property and its surrounding area; that his findings are contained in his report on the subject property; his report was submitted and accepted by the Board; that he then orally testified that the proposed special use: (1) complies with all applicable standards of this 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 community because the lots have been vacant for a number of years; (3) is compatible with the character of the surrounding area in terms of site planning and building scale and project design because most of the commercial uses in the area have failed making residential use at the subject property appropriate, especially as the block south of the subject property is all residential and is in fact a landmark residential district; (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 because it will be a residential use and the block south of the subject property is all residential use; (5) is designed to promote pedestrian safety and comfort; and

WHEREAS, Ms. Stephenie Evans, of 3115 S. Giles, testified in objection to the application; that the proposed building will cause significant shadow over the neighborhood, especially since the tallest building on the block is a three flat; that the variation will alter the character of the historic neighborhood and the 3100 block of S. Giles; that this will affect pedestrian traffic; and

WHEREAS, Mr. James Muhammad-Mason, of 3116 S. Giles, testified in objection to the application; that in addition to Ms. Evans' objections, there is also an issue with parking; that parking in the neighborhood is an issue and many residents on the block have reached out to the Alderman to request permit parking; that the proposed building will cause congestion in terms of parking on the block; that this will change the character of the neighborhood as the tallest building on 31st Street is three stories; that four stories is out of character; and

WHEREAS, the Board stated that the issue of the proposed building's height was not an issue before the Board; that the proposed building's height is allowable under this Zoning Ordinance; that the only issue before the Board was the residential first floor use; and

WHEREAS, Mr. George Blakemore testified in objection to the application; and

WHEREAS, in response to the Objectors' concerns, Mr. Ftikas explained that the subject property is at the north end of the block; that with the sun traveling east to west, the only shadow that the Applicant would potentially cast would be onto 31st Street; and

WHEREAS, Alderman William Burns testified in support of the application; and

WHEREAS, the staff of the Department of Planning and Development recommended approval of the proposed special use, provided the development was established consistent with the design, layout and plans prepared by Baranyk and Associates and dated August 29, 2014; 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 and will not have a significant adverse impact on the general welfare of the community because the lots have been vacant for a number of years.
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 most of the

commercial uses in the area have failed making residential use at the subject property appropriate, especially as the block south of the subject property is all residential use and is in fact a landmark residential district.

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 because it will be a residential use and the block south of the subject property is all residential.

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

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 subject to the following condition, pursuant to the authority granted by Section 17-13-0906 of the Chicago Zoning Ordinance:

1. The special use shall be developed consistent with the design, layout and prepared by Baranyk and Associates and dated August 29, 2014.

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



DEC 29 2015
CITY OF CHICAGO

Dolyva Properties, LLC
APPLICANT

44-15-S & 45-15-Z
CALENDAR NUMBERS

3108 S. Giles Avenue
PREMISES AFFECTED

November 20, 2015
HEARING DATE

Nick Ftikas
APPEARANCE FOR APPLICANT

Stephanie Evans & Others
OBJECTORS

NATURE OF REQUESTS

Application for a special use to establish a residential use below the second floor for a proposed four-story eight unit building with eight rear surface parking spaces.

Application for a variation to reduce the front setback from 8.75' to 1' for a proposed four-story eight unit building with eight rear surface parking spaces.

ACTION OF BOARD

THE VOTE

The application for a special use is approved subject to the condition specified in this decision. The application for a variation is approved.

	APPROVE	DENY	ABSENT
Jonathan Swain, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sol Flores	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sheila O'Grady	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Blake Sercye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

THE RESOLUTION OF THE BOARD

WHEREAS, a public hearing was held on these applications by the Zoning Board of Appeals ("Board") at its regular meeting held on November 20, 2015, after due notice thereof as provided under Sections 17-13-0107-B and 17-13-0108-A of the Chicago Zoning Ordinance ("Zoning Ordinance") and by publication in the *Chicago Sun-Times*; and

WHEREAS, the Board inquired if the owner of the subject property was still Toia Building Properties LP; and

WHEREAS, Mr. Ftikas, counsel for the Applicant, explained that the property was no longer owned by Toia Building Properties LP; that the Applicant had completed its purchase of the subject property 2 months prior; and

APPROVED AS TO SUBSTANCE

CHAIRMAN

WHEREAS, the Board stated that Toia Buildings Properties LP was owned by a relative of Commissioner Toia though Commissioner Toia himself had no ownership interest in Toia Buildings Property LP; that, however, the subject property was no longer owned by Toia Buildings Property LP; and

WHEREAS, Mr. Ftikas again confirmed that the subject property was not owned by Toia Building Properties LP; and

WHEREAS, the Board stated that Mr. Ftikas could proceed; and

WHEREAS, Mr. Ftikas explained the underlying basis for the relief sought; that due to extensive review of the project with the local neighborhood association, the Applicant is no longer seeking a 0' front setback; that instead, the Applicant is seeking a 1' front setback; and

WHEREAS, the Board amended the Applicant's variation application on its face; and

WHEREAS, Ms. Monika Wolinska testified on behalf of the Applicant; that she is the Applicant's managing director; that the Applicant owns the subject property; that the subject property is currently vacant; that the subject property is 100' deep; that the Applicant plans to develop the subject property with a four story residential building; that said building will contain eight units; that parking for all units will be located at the rear of the lot; that as the subject property is located in a B1-3 zoning district, a special use is required to permit residential uses below the second floor; that over the past few years, the Applicant has begun to develop properties in this part of the City; that she has generally become familiar with the market and the area; that this 3000 block of S. Giles is otherwise an all residential street and is in fact a residential district; that all fronts of all the buildings on this block are oriented towards S. Giles; that the Applicant intends to finish off this residential block by developing a corner with a residential building that fronts onto S. Giles; that the Applicant's building is compatible with the rest of the buildings on S. Giles, specifically, the single-family and multi-family residential buildings that are south of the subject property and face S. Giles; and

WHEREAS, Ms. Wolinska further testified that in addition to the special use, the Applicant is also seeking a variation to reduce the front setback for the proposed building on the subject property; that the variation is required because the neighboring lot to the south is zoned RS-3; that the Applicant's zoning district does not impose a setback requirement; that instead, it is the neighboring RS-3 lot that generates the setback requirement upon the Applicant; that although the Applicant was able to provide a 7' south side setback that exceeds the requirement, the Applicant is unable to provide and meet the required front setback; that this is because the subject property's lot depth is only 100'; that therefore, the Applicant is requesting a variation to reduce the front setback from the required 8.75' to 1'; that the Applicant will be maintaining the 7' south side set back; that the reduction of the front setback should have no impact with the neighboring south lot because there is so much distance between the buildings; and

WHEREAS, Mr. Orent Baranyk testified on behalf of the Applicant; that he is a licensed architect in the State of Illinois and is the project architect for the proposed building; that granting the proposed variation will not: (1) be detrimental to the public welfare or injurious to other property or improvements in the area; (2) impair an adequate supply of light and air to adjacent properties; (3) increase the danger of fire or endanger the public safety; (4) substantially diminish or impair property values in the area; and (5) alter the essential character of the neighborhood; and

WHEREAS, Mr. Kareem Musawwir testified on behalf of the application; that his credentials as an expert in land planning were acknowledged by the Board; that he has physically inspected the subject property and its surrounding area; that his findings are contained in his report on the subject property; his report was submitted and accepted by the Board; that he then orally testified that the requested variation is appropriate given the 7' distance between the proposed building and the building next south because the 7' operates as a transitional yard and allows more light and air than the front setback would have provided; that he then orally testified that the proposed special use: (1) complies with all applicable standards of this 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 community because the lots have been vacant for a number of years; (3) is compatible with the character of the surrounding area in terms of site planning and building scale and project design because most of the commercial uses in the area have failed making residential use at the subject property appropriate, especially as the block south of the subject property is all residential use and is in fact a landmark residential district; (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 because it will be a residential use and the block south of the subject property is all residential; (5) is designed to promote pedestrian safety and comfort; and

WHEREAS, Ms. Stephenie Evans, of 3115 S. Giles, testified in objection to the application; that the proposed building will cause significant shadow over the neighborhood, especially since the tallest building on the block is a three flat; that the variation will alter the character of the historic neighborhood and the 3100 block of S. Giles; that this will affect pedestrian traffic; and

WHEREAS, Mr. James Muhammad-Mason, of 3116 S. Giles, testified in objection to the application; that in addition to Ms. Evans' objections, there is also an issue with parking; that parking in the neighborhood is an issue and many residents on the block have reached out to the Alderman to request permit parking; that the proposed building will cause congestion in terms of parking on the block; that this will change the character of the neighborhood as the tallest building on 31st Street is three stories; that four stories is out of character; and

WHEREAS, the Board stated that the issue of the proposed building's height was not an issue before the Board; that the proposed building's height is allowable under this

Zoning Ordinance; that the only issues before the Board were the front setback and the residential first floor use; and

WHEREAS, Mr. George Blakemore testified in objection to the application; and

WHEREAS, in response to the Objectors' concerns, Mr. Ftikas explained that the subject property is at the north end of the block; that with the sun traveling east to west, the only shadow that the Applicant would potentially cast would be onto 31st Street; that with respect to the front setback reduction, the subject property is 100' which is a hardship; and

WHEREAS, Alderman William Burns testified in support of the application; and

WHEREAS, the staff of the Department of Planning and Development recommended approval of the proposed special use, provided the development was established consistent with the design, layout and plans prepared by Baranyk and Associates and dated August 29, 2014; 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 and will not have a significant adverse impact on the general welfare of the community because the lots have been vacant for a number of years.
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 most of the commercial uses in the area have failed making residential use at the subject property appropriate, especially as the block south of the subject property is all residential use and is in fact a landmark residential district.
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 because it will be a residential use and the block south of the subject property is all residential use.
5. The proposed special use is designed to promote pedestrian safety and comfort.

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 subject to the following condition, pursuant to the authority granted by Section 17-13-0906 of the Chicago Zoning Ordinance:

1. The special use shall be developed consistent with the design, layout and plans prepared by Baranyk and Associates and dated August 29, 2014.

WHEREAS, Section 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 variation:

1. The Board finds that pursuant to 17-13-1107-A the Applicant has proved its 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 this Zoning Ordinance be strictly complied with, and, further, the requested variation is consistent with the stated purpose and intent of this 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) the property in question cannot yield a reasonable rate of 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 the fact that the subject property is located next to a RS-3 zoning district and is only 100' deep; and (3) the variation, if granted, will not alter the essential character of the neighborhood because the proposed building will be residential like the rest of the 3100 block of S. Giles and have a 7' south side setback ensuring that light and air are not reduced to the neighboring lot.
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 fact that the property is located next to a RS-3 zoning district and is only 100' deep results in practical difficulty or particular hardship to the Applicant if the strict letter of the Zoning Ordinance were carried out; (2) this practical difficulty or particular hardship a condition not generally applicable to other property in a B1-3 zoning district as there are no front setback requirements in a B1-3 zoning district; (3) profit is not the sole motive for the variation as the Applicant is providing a 7' south side setback and is not maximizing the amount of building on the lot; (4) the Applicant did not create the hardship in question as it did not create the neighboring RS-3 zoning district nor the 100'

lot depth; (5) the variation being granted will not be detrimental to the public welfare or injurious to other property; 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 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



DEC 29 2015
CITY OF CHICAGO

John and Anne Moroney

APPLICANTS

321-15-Z

CALENDAR NUMBER

1945 N. Burling Street

PREMISES AFFECTED

November 20, 2015

HEARING DATE

Sara Barnes

APPEARANCE FOR APPLICANT

Michael Delrahim

APPEARANCE FOR OBJECTOR

NATURE OF REQUEST

Application for a variation to reduce the rear setback from 2' to 0.73'; to reduce the north side setback from 2' to 0'; to reduce the south side setback from 2' to 0'; and to reduce the combined side setback from 5' to 0' for a proposed rear two-car garage with a rooftop deck accessed by a set of open stairs leading from a proposed rear open deck; the existing three-story single-family residence will remain unchanged.

ACTION OF BOARD

THE VOTE

The application for a variation is approved.

Jonathan Swain, Chair
Sol Flores
Sheila O'Grady
Blake Sercye
Sam Toia

APPROVE

DENY

ABSENT

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THE RESOLUTION OF THE BOARD

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on November 20, 2015, after due notice thereof as provided under Sections 17-13-0107-B and 17-13-0108-A of the Chicago Zoning Ordinance ("Zoning Ordinance") and by publication in the *Chicago Sun-Times*; and

WHEREAS, Ms. Sara Barnes, counsel for the Applicant, explained the background of the subject property and the underlying basis for the relief sought; and

WHEREAS, Ms. Andrea ("Anne") Moroney, one of the Applicants, testified; that her family owns the subject property; that the subject property measures 24' wide x 123' deep; that the subject property is therefore slightly substandard in both depth and width;

APPROVED AS TO SUBSTANCE

CHAIRMAN

that previously, the subject property was improved with a two-unit residential building at the front of the lot and a two-story coach house in the rear; that the subject property is currently improved with a three-story single-family home; that she has demolished the two buildings in favor of a three-story single family home and two-car detached garage; that she has recently completed construction on said three-story single-family home; that she now would like to construct the garage; that the design for the new garage includes a roof-deck; that said roof-deck would be intended as an extension of the rear yard; that to that end, she proposes to construct a narrow wrought iron open walkway that will extend from the rear of the first floor of the home to the garage; that the design for the new garage also includes access to the roof-deck via a staircase; that the staircase will be located inside the new garage structure along the south side of the garage; that only the landing stair of the proposed stairway will be located in her rear yard open space; that as a result, the actual stair structure will not be visible in the rear yard; that she is before the Board to seek a variation to permit both the open walkway and the stairs to the roof-deck; and

WHEREAS, Ms. Moroney further testified that one of the hardships in this case is the fact that this Zoning Ordinance allows usable open space above a garage but does not allow access to said open space without zoning approval; that to comply with this Zoning Ordinance, she is requesting a variation; in particular, she is seeking to reduce the required north side setback from 2' to 0' to allow for the open walkway; that for the stairway, she is seeking to reduce the south side setback from 2' to 0'; that this results in a reduction in the required combined side yard setback from 5' to 0'; that for at least 25 years prior to 2013, there was always a two-story coach house with an attached garage and a primary building on the property; that this left only about 4' between the two structures; that this in turn left only about 80' of open space for the entire property; that the coach house had a roof-deck over the attached garage; that the garage structure was situated directly along both side property lines and directly along the rear property line; that she is therefore seeking to replace a larger more imposing building with a small less obtrusive structure; that this less obtrusive structure will maintain the same setback conditions that have existed on the subject property for at least the last 25 years; that the new garage will have a smaller footprint than the old coach house and attached garage; that the open walkway has been purposefully designed to run along the north side of her rear yard; that the orientation was intended to mimic the improvements and setbacks of her neighbor next north; that in consideration to the next neighbor south, she purposefully located the stair access to the roof-deck almost entirely within the proposed garage structure; and

WHEREAS, Ms. Moroney further testified that she is also seeking a reduction in the required rear yard garage setback along the alley from 2' to 0.73'; that this is because the subject property is situated on a 14' wide alley; that this is 2' narrower than a standard City alley; that under this Zoning Ordinance she is required to set her garage at least 2' off of her rear property line; that this would not be a requirement if the property was located along a standard 16' alley; that this is a hardship; that to maintain the required rear yard open space and provide a garage depth for two vehicles, the garage walls need to be situated towards the very rear of the property; that this is the same as the other

garages located along the alley; that the garage door shall recessed 2' off the alley line which is in keeping with the setback requirement for the property; and

WHEREAS, Ms. Moroney further testified that in terms of compatibility to the surrounding neighborhood; that most of the other homes on the block have similar encroachments and improvements in their rear yards, specifically decks located above rear garages; that a few are accessed via open walkways connected to the primary building; that she and her husband have invested substantial money in the home for their family's future; and

WHEREAS, Mr. William Farrell testified on behalf of the Applicants; that he is a licensed architect in the State of Illinois; that he is familiar with the subject property; that over the last few years, the home on the subject property was permitted and built out; that said home has recently passed final inspection with the City's Department of Buildings; that he then described his program of development with respect to the garage to the Board; that the proposed open walkway and stair with the garage roof-deck will be compatible with the other homes in the immediate area; that the granting of the variation will not: (1) be detrimental to the public welfare or injurious to other property or improvements in the area; (2) increase the danger of fire or endanger the public safety; (4) diminish property values in the area; and (5) alter the essential character of the neighborhood; that on the contrary, the requested variation will improve and be harmonious with the other structures that are lining the alley; and

WHEREAS, Mr. Sylvester J. Kerwin, Jr. testified on behalf of the Applicant; that his credentials as an expert in real estate appraisal were acknowledged by the Board; that he has physically inspected the subject property and its surrounding area; that his findings are contained in his report on the subject property; his report was submitted and accepted by the Board; that he then orally testified that the requested variation would not be detrimental to the public welfare or injurious to other property or improvements in the area because the proposed variation already exists in many of the neighboring garages in the immediate area; that he then showed the Board true and correct copies of other garages in the neighborhood; that he was in agreement with Mr. Farrell that the requested variation will improve the residential character of the lot and replace the older obsolete garage; that the requested variation will not impair an adequate supply light and/or air to the adjacent properties because by taking coach house down more light will be available to the adjacent properties; that there are numerous garage roof-decks in the immediate area; that he then showed the Board which properties in the area had said roof-decks; that the granting of the variation will not increase the danger of fire or endanger public safety as the garage building will be all masonry construction; that the variation will not substantially increase congestion in the public streets because the alley terminates just south of the subject property so there is really only one neighbor to the south; that in consequence, few people would drive down the alley that far; that the granting of the variation will not substantially diminish or impair property values in the area because even with roof-decks property values in the area have been increasing over the years; that the variation will not alter the essential character of the neighborhood because the proposed variation is to replace a detached coach-house that existed for many years; that

said coach-house also had a roof-top deck over its garage; that therefore there is really no change to the neighborhood; and

WHEREAS, Mr. Mike Delrahim, counsel for Margo and Josef Lakonishok, explained the nature of his clients' objections; and

WHEREAS, the Board stated that the Mr. Delrahim's clients should be at the hearing but allowed Mr. Delrahim to continue; and

WHEREAS, Mr. Delrahim stated that the Applicants had created their own hardship; that the Applicants' failure to seek a variation prior to commencing construction; that this resulted in a stop-work order; and

WHEREAS, Ms. Barnes objected as to relevance; that Mr. Delrahim's comments went to the original permits for the primary building; that the Applicants are before the Board for the garage; that there was no variation for the home; and

WHEREAS, Mr. Delrahim argued that it was relevant; that the north and south walls of the garage were constructed to a zero lot line without the Applicants obtaining a variation; that the desire to seek extra space in their garage is a self-created hardship; that the Applicants previously obtained a variation to raise the rear yard 6' above grade; that the elevated roof deck makes the rear yard 12' above grade; that the stairs are a self-created hardship because if the Applicants had not sought to raise the rear yard to 6' above grade, there might be no issue before the Board; that the roof-deck will be 2700 square feet; that this is self-created hardship; and

WHEREAS, in response to Mr. Delrahim's arguments, Ms. Barnes stated that none of the hardships are self-imposed; that the Applicants are merely replacing an existing structure that was on the property for years with a less obtrusive structure with the same building lines; that the Applicants are not before the Board to permit the garage deck; that the Applicants are before the Board to permit access to the garage deck; that the elevated rear yard is not a hardship created by the Applicants; that the elevated rear yard is due to a grading issue as the lot is on a slope; that the Applicants had met with the Assistant Zoning Administrator to discuss this issue; and

WHEREAS, Alderman Michele Smith testified in objection to the application; that the home was previously subject to a stop-work order due to plans being approved that were then not built; that she cannot support the application because the home was not built to the plans previously approved by the community; that she is also concerned about the garage being built to the alley due to turning radius but that she welcomes the garage door being set back; and

WHEREAS, Section 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 variation:

1. The Board finds that pursuant to 17-13-1107-A the Applicant has proved its 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 this Zoning Ordinance be strictly complied with, and, further, the requested variation is consistent with the stated purpose and intent of this 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 issue because the Applicants' family will continue to own and the Applicants will continue to reside at the subject property; (2) the practical difficulty or particular hardship of the property is the slightly substandard lot size, the fact that Zoning Ordinance allows usable open space above a garage but does not allow access to said open space without zoning approval and the 14' wide alley; and (3) the variation, if granted, will not alter the essential character of the neighborhood because as Mr. Kerwin very credibly testified there are many similar garage structures in the immediate area.

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 slightly substandard lot size, the fact that Zoning Ordinance allows usable open space above a garage but does not allow access to said open space without zoning approval and the 14' wide alley all result in practical difficulty or particular hardship to the Applicant if the strict letter of the Zoning Ordinance were carried out; (2) this practical difficulty or particular hardship is a condition not generally applicable to other property in a RM-4 zoning district; (3) profit is not the sole motive for the variation as the Applicants are making a substantial investment in a family home; (4) the Applicants did not create the hardship in question as they did not create the slightly substandard lot size, this Zoning Ordinance or the 14' wide alley; (5) the variation being granted will not be detrimental to the public welfare or injurious to other property as Mr. Farrell and Mr. Kerwin very credibly testified; 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 as, again, Mr. Farrell and Mr. Kerwin very credibly testified.

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 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



DEC 29 2015
CITY OF CHICAGO

1829 N. Orchard LLC c/o LG Construction
APPLICANT

326-15-Z
CALENDAR NUMBER

1829 N. Orchard Street
PREMISES AFFECTED

November 20, 2015
HEARING DATE

Meg George
APPEARANCE FOR APPLICANT

Elizabeth Foster
OBJECTOR

NATURE OF REQUEST

Application for a to reduce the rear setback from 34.72' to 2.0'; to reduce the north side setback from 2.64' to 0.17'; to reduce the south side setback from 2.64' to 0.17'; and to reduce the combined side setback from 6.6' to 0.34' for a proposed rear detached three-car garage with a roof deck that exceeds 15' in height and is accessed via an open exterior staircase greater than 6' above grade.

ACTION OF BOARD

THE VOTE

The application for a variation is approved.

	APPROVE	DENY	ABSENT
Jonathan Swain, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sol Flores	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sheila O'Grady	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Blake Sercye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

THE RESOLUTION OF THE BOARD

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on November 20, 2015, after due notice thereof as provided under Sections 17-13-0107-B and 17-13-0108-A of the Chicago Zoning Ordinance ("Zoning Ordinance") and by publication in the *Chicago Sun-Times*; and

WHEREAS, Ms. Meg George, counsel for the Applicant, explained the background of the subject property and the underlying basis for the relief sought; and

WHEREAS, the Board inquired if the relief requested was just for the exterior staircase; and

APPROVED AS TO SUBSTANCE

CHAIRMAN

WHEREAS, Ms. George confirmed this was the case; and

WHEREAS, the Board inquired as to why the exterior staircase jutted out into the rear yard as opposed to going on the side or against the building; and

WHEREAS, Ms. George stated that the Applicant moved the stairs in response to the northern neighbor's request; that the neighbor preferred the staircase be further south and away from their property; that the staircase was originally further north; that once it was pushed further south it had to be pulled out into the yard; and

WHEREAS, Mr. Brian Goldberg testified on behalf of the Applicant; that he is the Applicant's managing partner; that he described the property and its current condition; that the subject property will not yield a reasonable rate of return if the request for variation is denied; that in order to construct a garage that is keeping in character with the neighborhood and block which also allows the owner access to light, the Applicant needs the requested variation; that the proposed variation will not diminish property values in the neighborhood because the proposed garage is of a consistent size and design as many of the surrounding residential buildings on the block; and

WHEREAS, Mr. Philip Casagrande testified on behalf of the Applicant; that he is an architect licensed in the State of Illinois; that he designed the house and proposed garage for the site; that he then testified as to the proposed garage; that he then testified the neighbor from the north side requested the staircase be pushed as far south as it could; that this necessitated the stair be moved outward from the garage so that it did not obstruct access to the garage; that the proposed variation is necessary to locate rear yard open space atop the garage; that the proposed garage is a condition typical on the block; that the adjacent property to the south has a coach house; that the adjacent property to the south has improvements three stories in height that extend from the front of the property to the alley; that this casts a shadow onto the Applicant's rear yard at grade; that this is a practical difficulty or particular hardship not generally applicable to other similarly situated properties; that the granting of the variation will not: (1) be detrimental to the public welfare or injurious to other property or improvements in the neighborhood; (2) impair an adequate supply of light and air to any adjacent property; (3) increase congestion in the public streets; (4) increase the danger of fire or public safety; and

WHEREAS, Ms. Elizabeth Foster, of 1837 N. Orchard testified in objection to the application; that she was representing her next door neighbor Ann van Essen who is an adjacent property owner to the Applicant; that Ann could not be present; that she then presented a notarized letter to the Board from Ann; that she also had photographs; that Ann objected to the loss of her light and privacy; that she herself will also suffer a loss of privacy; and

WHEREAS, in response to the Objector's concerns, Ms. George explained that the property to the south has an almost three-story wall from the front property line all the way to rear; that this casts a shadow onto the Applicant's property and the neighbor's

property; that in response to issue of privacy and roof-top decks, there are 13 decks on the block including on the property of Ms. Foster; and

WHEREAS, Ms. Foster testified that her roof-deck was not similar to what is being proposed by the Applicant; that her roof-deck looks out onto a yard; and

WHEREAS, Ms. George submitted to the Board a letter from Ms. Van Essen dated November 9, 2015; that in said letter, she stated she was fine with the proposed application; and

WHEREAS, Section 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 variation:

1. The Board finds that pursuant to 17-13-1107-A the Applicant has proved its 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 this Zoning Ordinance be strictly complied with, and, further, the requested variation is consistent with the stated purpose and intent of this 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) the property cannot yield a reasonable rate of 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 the fact that the property to the south has an almost three-story wall from the front property line all the way to rear which casts a shadow onto the Applicant's property and necessitates a garage roof-deck to provide light in the rear yard; and (3) the variation, if granted, will not alter the essential character of the neighborhood because there are 13 other roof-decks on the block.
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 fact that the property to the south has an almost three-story wall from the front property line all the way to the rear which casts a shadow onto the Applicant's property and necessitates a garage roof-deck to provide light in the rear yard results in practical difficulty or particular hardship to the Applicant if the strict letter of the Zoning Ordinance were carried out; (2) this practical difficulty or particular hardship is a condition not generally applicable to other property in a RM-4.5 zoning district; (3) profit is not the sole motive for the variation as the Applicant cannot make a reasonable return

on the property without the requested variation; (4) the Applicant did not create the hardship in question it did not create the almost three-story wall on the property next south; (5) the variation being granted will not be detrimental to the public welfare or injurious to other property; 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 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



DEC 29 2015
CITY OF CHICAGO

Kaiisha Dear

APPLICANT

390-15-S

CALENDAR NUMBER

2332 W. 111th Street

PREMISES AFFECTED

October 16, 2015

HEARING DATE

Warren Silver

APPEARANCE FOR APPLICANT

Alderman O'Shea

OBJECTOR

NATURE OF REQUESTS

Application for a special use to establish a beauty salon.

ACTION OF BOARD

THE VOTE

The application for a special use is denied.

Jonathan Swain, Chair
Sol Flores
Sheila O'Grady
Blake Sercye
Sam Toia

APPROVE

DENY

ABSENT

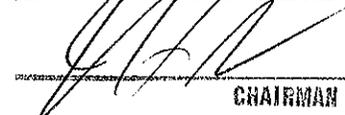
THE RESOLUTION OF THE BOARD

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on October 16, 2015, after due notice thereof as provided under Sections 17-13-0107-B and 17-13-0108-A of the Chicago Zoning Ordinance ("Zoning Ordinance") and by publication in the *Chicago Sun-Times*; and

WHEREAS, Mr. Warren Silver, counsel for the Applicant, explained the underlying basis for the relief sought; and

WHEREAS, Ms. Kaiisha Dear testified; that she is the Applicant; that she has been active in hair dressing for 11 years; that she has been apprenticing in the Beverly area for 3 years; that she is currently working at Stage Barber Shop next to the subject property; that she was at the Capri Garfield Beauty College where she received her 1500 hours in 2003; that she is currently in the process of updating her cosmetology license; that she seeks to operate a boutique-style hair salon at the subject property; that said boutique will

APPROVED AS TO SUBSTANCE


CHAIRMAN

be small and intimate; that she will focus on natural hair and provide hair cuts, coloring and blow-drying; that there will be no nail services offered; that she plans to operate between 8:30 AM – 8:30 PM, Tuesday through Saturday; that there will be three stylists; that she has her own clientele after being in the business for 11 years; that she has been meeting future customers while practicing in the Beverly area; that she does not expect that she will have any significant impact on the other beauty salons in the area as there are only two beauty salons near the subject property; that the other personal salon uses nearby are the barber shop she currently works at and a nail salon; and

WHEREAS, the Board stated that meant there were already five personal salon uses in the area; and

WHEREAS, Ms. Dear testified this was not correct; and

WHEREAS, the Board stated that it would clarify with her expert; and

WHEREAS, Ms. Dear then testified that the other personal salon uses nearby are the barber shop she currently works at and a nail salon; and that the barber shop she currently works at is supportive of her application and has issued a letter consenting the use of its parking spaces for the use of her customers as well; that the landlord has consented to this arrangement; and

WHEREAS, Ms. Dear further testified that the proposed special use will not alter existing pedestrian safety and comfort along 111th Street as the site is within a retail strip; that the proposed special use is compatible with the character of the surrounding area in terms of lighting, noise and traffic generation as the proposed use is a small business within a retail strip; that the proposed special use would not have any additional outdoor lighting other than what comes through the storefront window; that the proposed hours of operation are designed to be in line with the hours of pedestrian activity; that she advised Alderman O'Shea's office of her proposed special use; that she has maintained regular contact with the Alderman; that neither the Alderman nor his office conveyed any specific objections regarding the proposed special use until the Board's regular meeting on August 21, 2015; that at that time, the objections were parking and congestion; that she has addressed those concerns by securing permission to use the two aforementioned parking spaces; and

WHEREAS, Mr. Kareem Musawwir testified on behalf of the Applicant; that his credentials as an expert in land planning were acknowledged by the Board; that he has physically inspected the subject property and the surrounding area; that his findings are contained in his report on the subject property; that his report was submitted and accepted by the Board; and

WHEREAS, the Board inquired as to how many hair salon uses were in the general vicinity if the proposed special use were included in the number; and

WHEREAS, Mr. Musawwir testified that there would be five (5) personal service uses in the general vicinity; that only two personal service uses would be beauty salons similar to the Applicant's proposed special use; that the other personal service uses would be offering different services from what the Applicant would be offering; that he then briefly testified to the area surrounding the subject property, including the large retail grocery store across the street; that in his opinion the proposed special use: (1) would comply with all applicable standards of this 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 as the Applicant is already established in the neighborhood and as she is only asking for a three-chair hair salon; that even if all existing personal service uses were put together with the Applicant's proposed special use, it would not match some of the larger personal service uses that have come before the Board; (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 surrounding area in terms of operating characteristic such as hours of operating, outdoor lighting, noise and traffic generation; and (5) will be designed to promote pedestrian safety and comfort; and

WHEREAS, Mr. Musawwir further testified that the proposed special use is compatible with the character of the surrounding neighborhood because the proposed special use is small retail; that the proposed special use will not have a negative impact on the market value of the surrounding properties; and

WHEREAS, Mr. Blakemore testified in support of the Applicant; that he is in support of a natural hair beauty salon; that the proposed special use is in the public interest; and

WHEREAS, Alderman Matthew O'Shea testified in objection to the application; that his staff advised the Applicant that prior to signing the lease for the subject property that she check with his staff; that there is an ordinance on the books; that he has been before the Board before; that he is chock-full of hair salons in his community; that he has over 50 hair salons within 1000 feet of this location; that there is the 2200 block of West 111th Street, the 2300 block of West 111th Street, the 2400 block of 111th Street, the other side of Western, 10940 Western, 10959 Western and 11230 Western; that the area is congested; that there is a 18,000 foot grocery store directly across the street; that the area is short on parking; that the area is heavy on beauty salons; that his staff did attempt to advise the Applicant to not sign a lease until she checked with his office; that this is based on the volume of hair salons in the community; that this is all reflected in the letter he submitted to the Board on September 17, 2015; and

WHEREAS, the staff of the Department of Planning and Development recommended approval of the proposed special use; 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 will have a significant adverse impact on the surrounding community. The Board makes this determination for two reasons. First, the Board is very troubled by Ms. Dear's testimony regarding her licensing. Although she testified that she "was at Capri Garfield Beauty College where [she] received her 1500 hours in 2003" and has been "active in hair dressing for 11 years" at no time did she affirmatively testify that she was a licensed cosmetologist. In fact, with respect to licensing, Ms. Dear only testified that she was "currently in the process of updating her cosmetology license." Based on her evasive testimony and demeanor, the Board can only conclude that Ms. Dear is currently practicing cosmetology without a license. Such an act makes her credibility as a responsible operator of a hair salon nil. Responsible operation of business is critical to ensure that said business does not have an adverse impact on the surrounding area. Based on Ms. Dear's lack of credibility, the Board can only conclude that she will not be a responsible operator of the proposed special use and that such irresponsible operation will have a significant adverse impact on the surrounding community. Second, the Board is troubled by Alderman O'Shea's testimony that there are 50 hair salons near the subject property. Even Mr. Mussawir, the Applicant's expert witness, conceded that there were 5 personal services uses (including the proposed special use) very near the subject property. The Board finds that this section of the City is oversaturated with beauty salons. Oversaturation of any one use causes significant adverse impacts on a community.

2. The proposed special use is not 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 Alderman O'Shea very credibly testified the area is incredibly congested. Adding another high intensity use such as a hair salon to the area will further this congestion. Therefore, the proposed special use is not compatible in terms of traffic generation.

RESOLVED, the Board finds that the Applicant has not 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 denied.

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**

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DEC 29 2015
CITY OF CHICAGO

Montessori Magpie Children Service, Ltd.

APPLICANT

457-15-S

CALENDAR NUMBER

936 N. Ashland Avenue

PREMISES AFFECTED

November 20, 2015

HEARING DATE

Farahana Majid

REPRESENTATIVE FOR APPLICANT

NO OBJECTORS

NATURE OF REQUESTS

Application for a special use to establish three off-site required accessory parking spaces to serve a proposed daycare at 835 N. Ashland Avenue.

ACTION OF BOARD

THE VOTE

The application for a special use is approved subject to the condition specified in this decision.

Jonathan Swain, Chair
Sol Flores
Sheila O'Grady
Blake Sercye
Sam Toia

APPROVE

DENY

ABSENT

THE RESOLUTION OF THE BOARD

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on November 20, 2015, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance ("Zoning Ordinance") and by publication in the *Chicago Sun-Times*; and

WHEREAS, Ms. Farahana Majid testified on behalf of the Applicant; that she is the owner of the Applicant and proposes to operate a daycare at 835 N. Ashland Avenue; that the daycare is not currently in operation; that this Zoning Ordinance requires that the Applicant have three (3) parking spaces; that she cannot locate the spaces onsite; that parking spaces would be for the Applicant's employees; and

WHEREAS, Mr. Joseph M. Ryan testified on behalf of the Applicant; that his credentials as an expert in appraisal were acknowledged by the Board; that he has physically inspected the subject property and its surrounding area; that his findings are

APPROVED AS TO SUBSTANCE

CHAIRMAN

contained in his report on the subject property; his report was submitted and accepted by the Board; that he then orally testified that the proposed special use: (1) establishes the parking spaces in an established Chicago Board of Education parking lot behind Wells High School; (2) is convenient for the employees to walk as said parking lot is less than one block away from the proposed daycare; (3) will cause no diminution of value to the parking lot as the parking lot has been established since 1935; and (4) will not cause diminution of value to the surrounding properties as, again, the parking lot has been established since 1935; and

WHEREAS, the Board inquired as to the possible closing of Wells High School and asked how said closing might affect the proposed special use; and

WHEREAS, Mr. Ryan testified that the Applicant has a five (5) year lease for the three (3) parking spaces; and

WHEREAS, Ms. Majid further testified that the lease was fully executed pending approval of the proposed special use by the Board; and

WHEREAS, the Board stated that Board of Education would probably have to sell the parking lot; that the Board of Education would then need to relocate the Applicant; that Board inquired as to how long the Applicant's lease ran; and

WHEREAS, Ms. Majid testified that the Applicant's lease ran for five (5) years; that this matched her lease for the 835 N. Ashland property; and

WHEREAS, the Board inquired if the lease had any extensions; and

WHEREAS, Ms. Majid testified she did not think there were any extensions; and

WHEREAS, the Board stated it might have to tie the Applicant's special use to the term of the her lease for the spaces so that if something were to happen, the Applicant would have to come back and identify new parking spaces; and

WHEREAS, Ms. Majid testified that she understood; and

WHEREAS, the staff of the Department of Planning and Development recommended approval of the proposed special use; 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 and will not have a significant adverse impact on the general welfare of the community because the parking lot has existed since 1935 and the parking spaces are a block away from the Applicant's proposed daycare at 835 N. Ashland.
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 the proposed special use will be located in an existing parking lot that has existed since 1935.
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 because its hours of operation, outdoor lighting, noise and traffic generation will be similar to the parking lot in which it will be located.
5. The proposed special use is designed to promote pedestrian safety and comfort as it provides for three non-street parking spaces for the Applicant's employees.

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 subject to the following condition, pursuant to the authority granted by Section 17-13-0906 of the Chicago Zoning Ordinance:

1. The special use shall be tied to the term of the Applicant's lease for the subject property.

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