

**MAY 17, 2019**

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

**APPLICANT:** Zocalo Development, LLC 1851 Loomis **CAL NO.:** 239-19-S

**APPEARANCE FOR:** Rolando Acosta

**MINUTES OF MEETING:**  
May 17, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1849 S. Loomis Street

**NATURE OF REQUEST:** Application for a special use to establish residential use below the second floor for a proposed three story, six dwelling unit building with a six car garage.

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

**JUN 24 2019**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
SHAINA DOAR  
SYLVIA GARCIA  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

**THE RESOLUTION:**

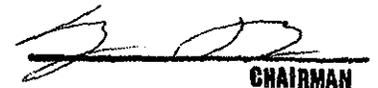
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held May 17, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 3, 2019; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated January 4, 2019, prepared by Hanna Architects, Inc.

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Zocalo Development, LLC 1851 Loomis **CAL NO.:** 240-19-S

**PEARANCE FOR:** Rolando Acosta **MINUTES OF MEETING:**  
May 17, 2019

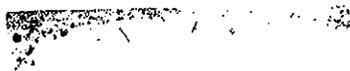
**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1853 S. Loomis Street

**NATURE OF REQUEST:** Application for a special use to establish residential use below the second floor for a proposed three-story, three dwelling unit with a three car garage.

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**



**JUN 24 2019**  
**CITY OF CHICAGO**  
**ZONING BOARD OF APPEALS**

FARZIN PARANG  
SHAINA DOAR  
SYLVIA GARCIA  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

**THE RESOLUTION:**

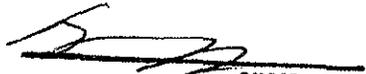
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held May 17, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 3, 2019; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated January 3, 2019, prepared by Hanna Architects, Inc.

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Frenchy Soccer Development, LLC

**CAL NO.:** 241-19-S

**PEARANCE FOR:** Rolando Acosta

**MINUTES OF MEETING:**  
May 17, 2019

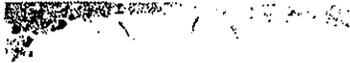
**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 4201 W. 36<sup>th</sup> Street

**NATURE OF REQUEST:** Application for a special use to allow a sports and recreation, participant 149 person capacity (indoor soccer field) in an existing one-story warehouse.

**ACTION OF BOARD-**  
Continued to June 21, 2019 at 2:00 p.m.

**THE VOTE**



**JUN 24 2019**

**CITY OF CHICAGO  
ZONING BOARD OF APPEALS**

FARZIN PARANG  
SHAINA DOAR  
SYLVIA GARCIA  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**

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

**APPLICANT:** Isi Garcia dba Diva's Hair Salon Corp. **CAL NO.:** 242-19-S

**APPEARANCE FOR:** Same as Applicant **MINUTES OF MEETING:** May 17, 2019

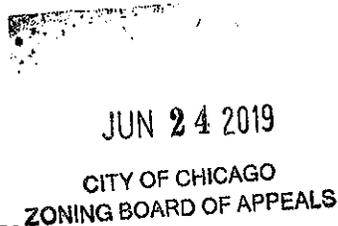
**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 4124 W. 63<sup>rd</sup> Street

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

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

  
**JUN 24 2019**  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

FARZIN PARANG  
 SHAINA DOAR  
 SYLVIA GARCIA  
 SAM TOIA  
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 17, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 3, 2019; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the special use is issued solely to the applicant, Isi Garcia dba Diva's Hair Salon Corp.

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

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

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

**APPLICANT:** By the Hand Club for Kids/Chicago Education Partnership **CAL NO.:** 243-19-S

**PEARANCE FOR:** Sylvia Michas

**MINUTES OF MEETING:**  
May 17, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 400-30 N. Laramie Ave./5207-09 W. Ferdinand St./5200-12 W. Kinzie St.

~~**NATURE OF REQUEST:** Application for a special use to expand an existing school use with a proposed three-story addition to the existing two and three story building.~~

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

  
**JUN 24 2019**  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

FARZIN PARANG  
 SHAINA DOAR  
 SYLVIA GARCIA  
 SAM TOIA  
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held May 17, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 3, 2019; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the special use is issued solely to the applicant By the Hand Club for Kids / Chicago Education Partnership, and the development is consistent with the design and layout of the plans and drawings dated January 15, 2019, prepared by Team A Architecture.

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

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

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

**APPLICANT:** Workers for Christ Ministries Apostolic Church, NFP

**CAL NO.:** 244-19-S

**PEARANCE FOR:** Thomas Moore

**MINUTES OF MEETING:**  
May 17, 2019

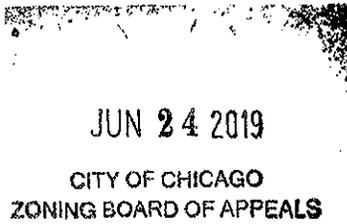
**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 512 S. Cicero Avenue

**NATURE OF REQUEST:** Application for a special use to establish a religious assembly facility with forty-five seats and accessory offices on the ground floor only of an existing two-story building.

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**



FARZIN PARANG  
SHAINA DOAR  
SYLVIA GARCIA  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held May 17, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 3, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a religious assembly facility with forty-five seats and accessory offices on the ground floor only of an existing two-story building; a variation was granted to the subject property in Cal. No. 245-19-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 site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated May 17, 2019, prepared by the applicant.

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

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**

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

**APPLICANT:** Workers for Christ Ministries Apostolic Church, NFP **CAL NO.:** 245-19-Z

**APPEARANCE FOR:** Thomas Moore

**MINUTES OF MEETING:**  
May 17, 2019

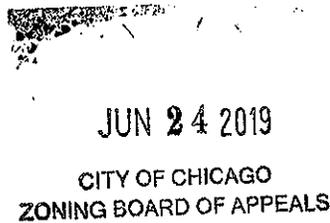
**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 512 S. Cicero Avenue

**NATURE OF REQUEST:** Application for a variation to establish a transit served location for a 100% reduction of the required six parking spaces for a proposed forty-five seat religious assembly and accessory offices on the ground floor only of an existing two-story building.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

  
**JUN 24 2019**  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

FARZIN PARANG  
SHAINA DOAR  
SYLVIA GARCIA  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

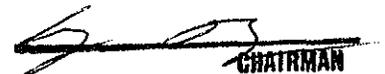
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held May 17, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 3, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a transit served location for a 100% reduction of the required six parking spaces for a proposed forty-five seat religious assembly and accessory offices on the ground floor only of an existing two-story building; a special use was granted to the subject property in Cal. No. 244-19-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 foresaid 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



JUL 22 2019  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

**Michelle Adekola**

APPLICANT

**246-19-Z**  
CALENDAR NUMBER

**10237 S. Forest Avenue**

PREMISES AFFECTED

**May 17, 2019**

HEARING DATE

**ACTION OF BOARD**

**THE VOTE**

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

	AFFIRMATIVE	NEGATIVE	ABSENT
Farzin Parang, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Shaina Doar	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sylvia Garcia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Amanda Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**FINDINGS OF THE ZONING BOARD OF APPEALS  
IN THE MATTER OF THE VARIATION APPLICATION FOR 10237 S.  
FOREST AVENUE BY MICHELLE ADEKOLA**

**I. BACKGROUND**

Michelle Adekola (the "Applicant") submitted a variation application for 10237 S. Forest Avenue (the "subject property"). The subject property is currently zoned RS-2 and is currently improved with a two-story single-family home (the "house") and a rear detached two-car garage. The Applicant had previously constructed a handicap-accessible ramp in the front of the subject property (the "ramp"), a 6.33' steel/iron fence (the "fence") and a rear two-story addition to the house (the "two-story addition") (collectively, the "nonconforming conditions"). Though the ZONING BOARD OF APPEALS previously approved the Applicant's request for a variation to legalize the nonconforming conditions on March 17, 2017 (the "previous hearing"), the Applicant was unable to secure building permits for the nonconforming conditions within a year. Thus, the Applicant once again sought a variation to reduce: (1) the combined side setback from the required 9.0' to 0' and (2) the rear setback from the required 35.0' to 4.45'.

**II. PUBLIC HEARING**

**A. The Hearing**

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's variation application at its regular meeting held on May 17, 2019, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Sun-Times*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure, the Applicant had submitted her proposed Findings of Fact. The Applicant Ms. Michelle Adekola, the Applicant's husband Mr. Ryan Russell, and the Applicant's attorney Mr. Thomas Moore were present. The Applicant's architect Mr. Richard Kasemsarn was also present. Testifying in opposition to the application was Ms. Stephany Hall, staff person to Alderman Anthony Beale (the "Alderman"). The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

The Applicant testified that she had owned the subject property since 2009. She testified that the ramp had been built to assist her mother-in-law in accessing the subject property. She testified she had hired a company to build the ramp and did not learn that she needed a variation until the previous hearing. She testified that her husband had constructed the two-story addition but had not known he had required a variation for said two-story addition. She testified that the ZONING BOARD OF APPEALS had approved the requested variation at the previous hearing but that she was unable to secure a building permit within a year thereafter.<sup>1</sup> She testified that the two-story addition was to serve as an art studio for her husband.

The Applicant presented the testimony of her husband Mr. Ryan Russell. Mr. Russell testified that for two years prior to construction of the two-story addition, he conducted research into the process for construction. Mr. Russell testified that he sought and received guidance from an architect employed by the City of Chicago though he was unable to recollect the name of this architect. He testified that he was advised by this architect that he would not need a building permit if the two-story addition were not attached to the house. He further testified that he then began building the two-story addition unattached to the house. He testified that he was subsequently told that he would need a building permit regardless of whether or not the two-story addition was attached. He testified that he had hired an architect who indicated that the two-story addition would have to be attached to the house.

The Applicant then testified that she intended to attach the two-story addition to the house and that she is working on attaining the permit.

The Applicant presented testimony from her architect Mr. Richard Kasemsarn. Mr. Kasemsarn testified that the Applicant was unable to secure a building permit within a year of the previous hearing because of complications with the City's Department of Buildings ("DOB") arising from the technical definition of shipping containers in the Building Code of Chicago. He testified that the matter was referred to the DOB's Board of Appeals (the "DOB Board of Appeals"). He testified that escalation to the DOB Board of Appeals was not typical within his practice but now that he was more familiar with the

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<sup>1</sup> See Section 17-13-1106 of the Chicago Zoning Ordinance.

process he would be able to attain a building permit within a year. He testified that much of the year succeeding the previous hearing had expired before he realized that he would have to appear before the DOB Board of Appeals in order to obtain a building permit.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Kasemsarn testified that the previous hearing had a condition that required the two-story addition to feature cladding. He testified that such condition was imposed due to opposition from neighbors and that the objection was based on aesthetics. He testified that the cladding should not be required to look like the house because they were two separate structures.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Moore confirmed that the nonconforming conditions existed prior to previous hearing.

Ms. Stephany Hall testified in opposition to the application. Ms. Hall read into the record a letter from the Alderman opposing the application. In response to a question from the ZONING BOARD OF APPEALS, Ms. Hall testified that the opposition stemmed from the cladding.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Kasemsarn testified that the two-story addition would need to be clad in some way and that the cladding could be designed to look modern or traditional. He reiterated that the basis of the opposition at the previous hearing had been purely aesthetic. Mr. Kasemsarn further testified that he would willing be to accept that the ZONING BOARD OF APPEALS' approval of the application be conditioned upon the two-story addition being clad in residential siding that resembles other siding in the neighborhood. Mr. Kasemsarn testified as to the timeline of the building permitting process and the construction. Mr. Kasemsarn testified that he had filed over 200 projects in the City and that this was the first time he had presented a project to the DOB Board of Appeals.

#### B. Criteria for a Variation

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

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

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

### III. FINDINGS OF FACT.

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

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

Strict compliance with regulations and standards of the Chicago Zoning Ordinance would require that the Applicant remove the nonconforming conditions from the subject property. As will be discussed in more detail below, such removal constitutes a practical difficulty or particular hardship.

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

The requested variation preserves the overall quality of life for residents and visitors pursuant to Section 17-1-0501 of the Chicago Zoning Ordinance in that it: (1) maintains improved mobility access for the Applicant's mother-in-law; and (2) allows the Applicant to keep the substantial investments the Applicant made in her property. The requested variation maintains orderly and compatible land use and development patterns pursuant to Section 17-1-0508 of the Chicago Zoning

Ordinance in that it prevents the unnecessary demolition of the nonconforming structures.

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

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

The Applicant erected the nonconforming conditions in good faith. As the Applicant and Mr. Russell testified, due diligence was performed prior to the erection of the nonconforming conditions. The Applicant hired and relied upon a company to erect the ramp and fence. Mr. Russell spent much time and effort conducting research and conferring with DOB prior to building the two-story addition. Mr. Russell was advised incorrectly by DOB that as long as the two-story addition was detached from the house, he would not need a variation. In reliance upon that advice, he then began construction of the two-story addition. Only after construction was complete did the Applicant and Mr. Russell learn that a variation would be needed not only for the two-story addition but also the fence and ramp. To remove the nonconforming conditions and restore the subject property to a livable condition would be costly for the Applicant. The ZONING BOARD OF APPEALS finds that such an additional sum would make the subject property unable to yield a reasonable return as such sum would be utilized solely to demolish the nonconforming conditions. Further, such additional cost is not attributable to any fault of the Applicant.

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

The nonconforming conditions are unique circumstances that are not generally applicable to other residential property. Due to the Applicant's reliance on: (1) the construction company that built the ramp and fence and (2) inaccurate advice from the DOB, the nonconforming conditions were built and now exist on the subject property.

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

The nonconforming conditions will not alter the essential character of the neighborhood. The ramp and fence have existed on the subject property for approximately ten years. Further, ramps are frequently used to make homes accessible. The two-story addition and the fence are located directly behind the house and will not be visible from the front of the subject property. Furthermore, the cladding of the two-story addition will be consistent with the aesthetics of the immediate neighborhood.

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

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

The particular topographical condition – that is, the nonconforming conditions – on the subject property would result in particular hardship upon the Applicant if required to conform to the strict letter of the Chicago Zoning Code. Compliance with the Chicago Zoning Ordinance would result in the Applicant incurring additional costs in demolishing the nonconforming conditions and returning the subject property to a livable state. This is far more than a mere inconvenience.

2. *The conditions upon which the petition for the variation is based would not be applicable, generally, to other property within the same zoning classification.*

The history and existence of the nonconforming conditions on the subject property are not conditions that are generally applicable to other property within the RS-2 zoning district.

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

The purpose of the variation is to legalize the nonconforming conditions on the subject property. The purpose of the variations is therefore not based exclusively upon a desire to make more money out of the subject property but is instead to make the subject property more livable, as the nonconforming conditions were originally erected so that: (1) the Applicant's mother-in-law could have increased mobility (the ramp), the Applicant could have security (the fence), and the Applicant's husband could have an artist's studio (the two-story addition).

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

While the Applicant did hire a company to construct the fence and ramp, the Applicant relied upon the company's expertise. As the Applicant testified, she did not know she needed a variation for the ramp and fence. While the two-story addition was constructed by the Applicant and Mr. Russell, they proceeded with construction only after being assured by the DOB's staff that such nonconforming conditions were compliant with the Chicago Zoning Ordinance. Therefore, the practical difficulty or particular hardship in this instance was caused by the company and DOB staff and not by any person presently having an interest in the subject property.

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

Granting the variation will allow the nonconforming conditions to remain on the subject property. The ramp and fence have existed on the subject property for approximately ten years. The ramp allows the Applicant's mother-in-law to access the house, and the fence provides security. Therefore, neither is detrimental to the public welfare or injurious to other property or improvements in the neighborhood. The two-story addition is not visible from the street and due to the condition imposed by the ZONING BOARD OF APPEALS will feature cladding that resembles other siding in the neighborhood. Therefore, the two-story addition is also not detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

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

From the pictures, plans and renderings of the nonconforming conditions, it is clear that the nonconforming conditions will not impair an adequate supply of light and air to adjacent properties. The nonconforming conditions will not substantially increase congestion in the public streets. They will not increase the danger of fire because it will not be built unless and until the Applicant obtains a valid building permit and as Mr. Kasemsarn testified, the required cladding for the two-story addition can provide additional fire-proofing. The nonconforming conditions will not endanger the public safety. They also will not substantially diminish or impair property values within the neighborhood because: (1) the fence

and ramp have existed at the subject property for approximately ten years; and (2) the cladding of the two-story addition will be required to look similar to other siding in the neighborhood.

#### IV. CONCLUSION

For all of these reasons, the ZONING BOARD OF APPEALS finds that the Applicant has proved its case by evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, covering the specific criteria for a variation pursuant to Sections 17-13-1107-A, B and C of the Chicago Zoning Ordinance.

The ZONING BOARD OF APPEALS hereby approves the Applicant's application for a variation, and pursuant to the authority granted to the ZONING BOARD OF APPEALS by Section 17-13-1105 of the Chicago Zoning Ordinance, the Zoning Administrator is authorized to permit said variation subject to the following condition:

1. The Applicant shall put in place cladding on the two-story addition so that it resembles residential siding similar to other siding in the neighborhood.

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

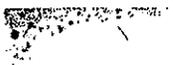
**ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905**

**APPLICANT:** Antonia Lamas **CAL NO.:** 247-19-Z  
**APPEARANCE FOR:** Rob Roe **MINUTES OF MEETING:**  
**APPEARANCE AGAINST:** None May 17, 2019  
**PREMISES AFFECTED:** 2600 W. 55<sup>th</sup> Street

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 37.5' to 27.48' for a proposed rear three-story addition, side canopies and a side covered stairway onto an existing three-story building being converted from two dwelling units to three dwelling units.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

  
**JUN 24 2019**  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

FARZIN PARANG  
 SHAINA DOAR  
 SYLVIA GARCIA  
 SAM TOIA  
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held May 17, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 3, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 27.48' for a proposed rear three-story addition, side canopies and a side covered stairway onto an existing three-story building being converted from two dwelling units to three dwelling units; George Blakemore of Chicago, Illinois testified in opposition; 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 foresaid 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:** Healthcare Alternative Systems, Inc.

**CAL NO.:** 248-19-S

**PEARANCE FOR:** Danielle Cassel

**MINUTES OF MEETING:**  
May 17, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 4734 W. Chicago Avenue

**NATURE OF REQUEST:** Application for a special use to establish a medical service use within an existing two-story building.

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

**JUN 24 2019**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
SHAINA DOAR  
SYLVIA GARCIA  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held May 17, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 3, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a medical service use within an existing two-story building; a variation was granted to the subject property in Cal. No. 249-19-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 site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the special use is issued solely to the applicant Healthcare Alternative Systems, Inc., and the development is consistent with the design and layout of the plans and drawings dated March 4, 2019, prepared by Revolution Architecture.

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

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

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

**APPLICANT:** Healthcare Alternative Systems, Inc. **CAL NO.:** 249-19-Z  
**APPEARANCE FOR:** Danielle Cassel **MINUTES OF MEETING:**  
 May 17, 2019  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 4734 W. Chicago Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the off-street parking from the required twenty-nine stalls to twenty-three stalls to serve a proposed medical service facility in an existing two-story building.

**ACTION OF BOARD-  
 VARIATION GRANTED**

**THE VOTE**

JUN 24 2019  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

FARZIN PARANG  
 SHAINA DOAR  
 SYLVIA GARCIA  
 SAM TOIA  
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

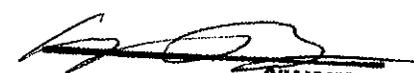
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 17, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 3, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the off-street parking from the required twenty-nine stalls to twenty-three stalls to serve a proposed medical service facility in an existing two-story building; a special use was granted to the subject property in Cal. No. 248-19-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 foresaid 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: Healthcare Alternative Systems, Inc.

CAL NO.: 250-19-Z

APPEARANCE FOR: Danielle Cassel

MINUTES OF MEETING:  
May 17, 2019

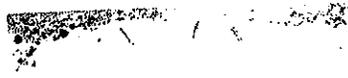
APPEARANCE AGAINST: None

PREMISES AFFECTED: 4731 W. Rice Street

NATURE OF REQUEST: Application for a variation to establish an accessory off-site parking lot with twenty-three parking stalls to serve a proposed medical service facility located at 4734 W. Chicago Avenue.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

  
**JUN 24 2019**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
SHAINA DOAR  
SYLVIA GARCIA  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 17, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 3, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish an accessory off-site parking lot with twenty-three parking stalls to serve a proposed medical service facility located at 4734 W. Chicago Avenue; 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 foresaid 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:** Kadampa Meditation Center New York **CAL NO.:** 251-19-S  
**APPEARANCE FOR:** Leo Aubel **MINUTES OF MEETING:**  
**APPEARANCE AGAINST:** None May 17, 2019  
**PREMISES AFFECTED:** 375 W. Erie Street, Unit C-101  
**NATURE OF REQUEST:** Application for a special use to establish a religious assembly facility.

**ACTION OF BOARD-**  
Continued to June 21, 2019 at 2:00 p.m.

**THE VOTE**

**JUN 24 2019**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
SHAINA DOAR  
SYLVIA GARCIA  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

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

**APPLICANT:** Buck Town Leasing Group, LLC **CAL NO.:** 252-19-Z  
**APPEARANCE FOR:** Same as Applicant **MINUTES OF MEETING:**  
May 17, 2019  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1231 N. Ashland Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the minimum lot area per unit from the required 6,000 square feet to 5,830 square feet for the conversion of a three and four-story, five dwelling unit building to a six dwelling unit building.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

JUN 24 2019  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
SHAINA DOAR  
SYLVIA GARCIA  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
		X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 17, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 3, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the minimum lot area per unit to 5,830 square feet for the conversion of a three and four-story, five dwelling unit building to a six dwelling unit building; a variation was granted to the subject property in Cal. No. 253-19-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 foresaid 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:** Buck Town Leasing Group, LLC **CAL NO.:** 253-19-Z  
**APPEARANCE FOR:** Same as Applicant **MINUTES OF MEETING:**  
May 17, 2019  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1231 N. Ashland Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 30' to 28.1' on floors containing dwelling units for a proposed two-story vestibule to access an additional dwelling unit in an existing three and four-story, five dwelling unit building to be converted to a six dwelling unit building.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

  
**JUN 24 2019**  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

FARZIN PARANG  
 SHAINA DOAR  
 SYLVIA GARCIA  
 SAM TOIA  
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
		X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held May 17, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 3, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 28.1' on floors containing dwelling units for a proposed two-story vestibule to access an additional dwelling unit in an existing three and four-story, five dwelling unit building to be converted to a six dwelling unit building; a variation was granted to the subject property in Cal. No. 252-19-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 foresaid 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:** Janet Geisler

**CAL NO.:** 254-19-Z

**PEARANCE FOR:** John Pikarski

**MINUTES OF MEETING:**  
May 17, 2019

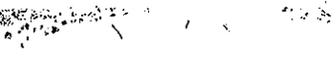
**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 5936 N. Leonard Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the northwest side setback from the required from 4' to 3.75' (southeast to remain at zero), combined side setback from 9' to 3.75' for a proposed rear addition to the existing two-story, two dwelling unit building to be converted to a single family residence.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

  
**JUN 24 2019**  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

FARZIN PARANG  
 SHAINA DOAR  
 SYLVIA GARCIA  
 SAM TOIA  
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
		X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held May 17, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-times on May 3, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the northwest side setback to 3.75' (southeast to remain at zero), combined side setback to 3.75' for a proposed rear addition to the existing two-story, two dwelling unit building to 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 foresaid 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:** William Tong

**CAL NO.:** 255-19-Z

**APPEARANCE FOR:** John Pikarski

**MINUTES OF MEETING:**  
May 17, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2910 S. Archer Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 30' to zero for a proposed four-story, mixed use building with an attached four-car garage.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

  
**JUN 24 2019**  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

FARZIN PARANG  
 SHAINA DOAR  
 SYLVIA GARCIA  
 SAM TOIA  
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
		X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 17, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-times on May 3, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to zero for a proposed four-story, mixed use building with an attached four-car garage; an additional variation was granted to the subject property in Cal. No. 256-19-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 foresaid 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:** William Tong

**CAL NO.:** 256-19-Z

**APPEARANCE FOR:** John Pikarski

**MINUTES OF MEETING:**  
May 17, 2019

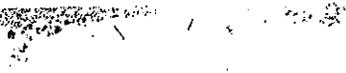
**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2910 S. Archer Avenue

**NATURE OF REQUEST:** Application for a variation to reduce on-site accessory required parking spaces from five to four for a proposed four-story mixed use building with an attached four-car garage.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

  
**JUN 24 2019**  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

FARZIN PARANG  
 SHAINA DOAR  
 SYLVIA GARCIA  
 SAM TOIA  
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
		X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 17, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 3, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce on-site accessory required parking spaces to four for a proposed four-story mixed use building with an attached four-car garage; an additional variation was granted to the subject property in Cal. No. 255-19-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 foresaid 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:** Anastasia Rozdobutko dba Anastasia Nails and Spa, Inc. **CAL NO.:** 257-19-S

**APPEARANCE FOR:** Same as Applicant

**MINUTES OF MEETING:**  
May 17, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 4946 W. Irving Park Road

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

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

  
**JUN 24 2019**  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

FARZIN PARANG  
 SHAINA DOAR  
 SYLVIA GARCIA  
 SAM TOIA  
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
		X

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held May 17, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-times on May 3, 2019; and

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

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

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Jenny Anselmo

**CAL NO.:** 258-19-Z

**APPEARANCE FOR:** Thomas Moore

**MINUTES OF MEETING:**  
May 17, 2019

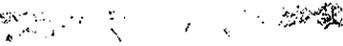
**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1914-16 N. Oakley Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the south setback from the required 5.64' to 4.92' (north shall be 5.7'), combined side setback from 14.11' to 10.62', rear setback from 35.37' to 22.42' for a proposed rear three-story addition to the existing three-story, two dwelling unit building.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

  
  
**JUN 24 2019**  
  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

FARZIN PARANG  
SHAINA DOAR  
SYLVIA GARCIA  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
		X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 17, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 3, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the south setback to 4.92' (north shall be 5.7'), combined side setback to 10.62', rear setback to 22.42' for a proposed rear three-story addition to the existing three-story, two dwelling unit building; George Blakemore of Chicago, Illinois testified in opposition; 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 foresaid 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: Dusk 'Til Dawn, Inc.

CAL NO.: 259-19-S

APPEARANCE FOR: Luke Hajzl

MINUTES OF MEETING:  
May 17, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3448 N. Clark Street

NATURE OF REQUEST: Application for a special use to establish a massage establishment.

**ACTION OF BOARD-**

Two votes for and one against. Pursuant to *Melrose Park National Bank v. Zoning Board of Appeals of the City of Chicago*, matter is continued to June 21, 2019 at 9:00 AM for vote by fourth board member.

**THE VOTE**

JUN 24 2019  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
SHAINA DOAR  
SYLVIA GARCIA  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
	X	
X		
		X

**APPROVED AS TO SUBSTANCE**

  
CHAIRMAN

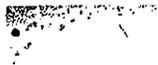
**ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905**

**APPLICANT:** Yanhong Song/Kingston Reflexology, LLC **CAL NO.:** 260-19-S  
**APPEARANCE FOR:** Kevin Wendorf **MINUTES OF MEETING:** May 17, 2019  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 3703 N. Harlem Avenue

**NATURE OF REQUEST:** Application for a special use to establish a massage establishment.

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**



**JUN 24 2019**

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
SHAINA DOAR  
SYLVIA GARCIA  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
		X

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held May 17, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 3, 2019; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided, (a) the establishment maintains clear non-reflective windows on the street-facing building facade, which are not painted over, darkened or obstructed in any way, on the building facade so that the reception and waiting area is visible from the street, and (b) Yanhong Song / Kingston Reflexology, LLC.

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Raymond E. List and Susan M. List Living Trust

**APPEARANCE FOR:** Nicholas Ftikas

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3524 N. Halsted Street

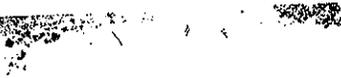
**CAL NO.:** 261-19-Z

**MINUTES OF MEETING:**  
May 17, 2019

**NATURE OF REQUEST:** Application for a variation to reduce the required parking from one stall to zero for a proposed one-story front addition, one-story rear addition, two-story upper building addition and a rear open roof deck for the existing one story building with new animal service and one dwelling unit above.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

  
**JUN 24 2019**  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

FARZIN PARANG  
 SHAINA DOAR  
 SYLVIA GARCIA  
 SAM TOIA  
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
		X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held May 17, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 3, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the required parking from one stall to zero for a proposed one-story front addition, one-story rear addition, two-story upper building addition and a rear open roof deck for the existing one story building with new animal service and one dwelling unit above; George Blakemore of Chicago, Illinois testified in opposition; 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 foresaid 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:** Catholic Bishop of Chicago, Christ the King Parish

**CAL NO.:** 262-19-Z

**PEARANCE FOR:** Thomas Moore

**MINUTES OF MEETING:**  
May 17, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 9240 S. Hoyne Avenue

**NATURE OF REQUEST:** Application for a variation to increase the allowable floor area for a non-residential use in a residential district for a proposed two-story addition to the existing two-story school and two-story convent which will be converted to part of the existing school use.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

  
**JUN 24 2019**  
 CITY OF CHICAGO  
**ZONING BOARD OF APPEALS**

FARZIN PARANG  
 SHAINA DOAR  
 SYLVIA GARCIA  
 SAM TOIA  
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
		X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held May 17, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 3, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to increase the allowable floor area for a non-residential use in a residential district for a proposed two-story addition to the existing two-story school and two-story convent which will be converted to part of the existing school use; George Blakemore of Chicago, Illinois testified in opposition; an additional variation was granted to the subject property in Cal. No. 263-19-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 foresaid 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:** Catholic Bishop of Chicago, Christ the King Parish

**CAL NO.:** 263-19-Z

**APPEARANCE FOR:** Thomas Moore

**MINUTES OF MEETING:**  
May 17, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 9240 S. Hoyne Avenue

**NATURE OF REQUEST:** Application for a variation to eliminate the required landscape setbacks along 93rd Street and Hamilton Avenue and to allow a 4' high ornamental fence to be installed at property lines (along existing parking lot areas adjacent to streets) and to reduce the interior landscape area from the required 3,587 square feet with twenty-nine trees to approximately 800 square feet with three trees for the existing school, church and rectory with existing parking lots on-site.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

  
**JUN 24 2019**  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

FARZIN PARANG  
 SHAINA DOAR  
 SYLVIA GARCIA  
 SAM TOIA  
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
		X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 17, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 3, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to eliminate the required landscape setbacks along 93rd Street and Hamilton Avenue and to allow a 4' high ornamental fence to be installed at property lines (along existing parking lot areas adjacent to streets) and to reduce the interior landscape area to approximately 800 square feet with three trees for the existing school, church and rectory with existing parking lots on-site; George Blakemore of Chicago, Illinois testified in opposition; an additional variation was granted to the subject property in Cal. No. 262-19-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 foresaid 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:** Joseph O'Hara

**CAL NO.:** 264-19-Z

**APPEARANCE FOR:** Thomas Moore

**MINUTES OF MEETING:**  
May 17, 2019

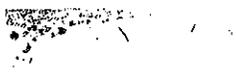
**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 10637 S. Springfield Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the north and south setbacks from 4' each to 3', combined side setback from 12' to 6' for a proposed two-story, single family residence with an attached two-car garage.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

  
**JUN 24 2019**  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

FARZIN PARANG  
 SHAINA DOAR  
 SYLVIA GARCIA  
 SAM TOIA  
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
		X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held May 17, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 3, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the north and south setbacks from 4' each to 3', combined side setback to 6' for a proposed two-story, single family residence with an attached two-car garage; George Blakemore of Chicago, Illinois testified in opposition; 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 foresaid 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**

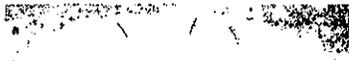
**ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905**

**APPLICANT:** Klairmont Collections NFP **CAL NO.:** 265-19-Z  
**APPEARANCE FOR:** Paul Kolpak **MINUTES OF MEETING:**  
**APPEARANCE AGAINST:** None May 17, 2019  
**PREMISES AFFECTED:** 3111 N. Knox Avenue

**NATURE OF REQUEST:** Application for a variation to establish a public place of amusement license for a proposed indoor antique car display which is located within 125' of a residential district.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

  
**JUN 24 2019**  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

FARZIN PARANG  
 SHAINA DOAR  
 SYLVIA GARCIA  
 SAM TOIA  
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 17, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 3, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a public place of amusement license for a proposed indoor antique car display which is located within 125' of a residential district; 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 foresaid 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:** Edward Roberts  
**APPEARANCE FOR:** Same as Applicant  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 5513 N. Mont Clare Avenue

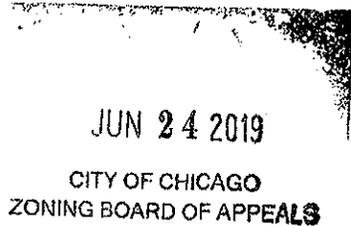
**CAL NO.:** 266-19-Z

**MINUTES OF MEETING:**  
 May 17, 2019

**NATURE OF REQUEST:** Application for a variation to reduce the north setback from the required 4' to 2.77', south setback from 4' to 2.28', combined side setback from 9' to 5.57' for a proposed two-story, single family residence.

**ACTION OF BOARD-  
 VARIATION GRANTED**

**THE VOTE**



FARZIN PARANG  
 SHAINA DOAR  
 SYLVIA GARCIA  
 SAM TOIA  
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
		X
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held May 17, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 3, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the north setback to 2.77', south setback to 2.28', combined side setback to 5.57' for a proposed 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 foresaid 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:** Edward Roberts **CAL NO.:** 266-19-Z  
**APPEARANCE FOR:** Same as Applicant **MINUTES OF MEETING:**  
May 17, 2019  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 5513 N. Mont Clare Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the north setback from the required 4' to 2.77', south setback from 4' to 2.8'\* , combined side setback from 9' to 5.57' for a proposed two-story, single family residence.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

JUL 10 2019  
 CITY OF CHICAGO  
**ZONING BOARD OF APPEALS**

FARZIN PARANG  
 SHAINA DOAR  
 SYLVIA GARCIA  
 SAM TOIA  
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
		X
X		

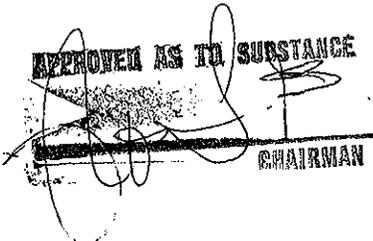
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 17, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-times on May 3, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the north setback to 2.77', south setback to 2.8', combined side setback to 5.57' for a proposed 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 foresaid 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.

\*Scrivener's Error

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

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

**APPLICANT:** El Cantante Restaurant, LLC dba La Pulqueria

**CAL NO.:** 267-19-Z

**APPEARANCE FOR:** Same as Applicant

**MINUTES OF MEETING:**  
May 17, 2019

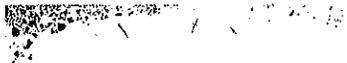
**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2501 S. Western Avenue

**NATURE OF REQUEST:** Application for a variation to establish a public place of amusement license to provide live entertainment, music, dj, cover charge and rental within an existing restaurant which is located within 125' of a residential district.

**ACTION OF BOARD-**  
**Continued to July 19, 2019 at 2:00 p.m.**

**THE VOTE**



**JUN 24 2019**

**CITY OF CHICAGO  
ZONING BOARD OF APPEALS**

FARZIN PARANG  
SHAINA DOAR  
SYLVIA GARCIA  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
		X
X		

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**

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

**APPLICANT:** Guillermina Carmona **CAL NO.:** 268-19-S

**APPEARANCE FOR:** Same as Applicant **MINUTES OF MEETING:**  
May 17, 2019

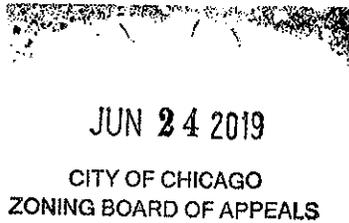
**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2342-46 W. 25<sup>th</sup> Street

**NATURE OF REQUEST:** Application for a special use to establish an accessory off-site parking lot to serve an existing restaurant located at 2501 S. Western Avenue.

**ACTION OF BOARD-**  
Continued to July 19, 2019 at 2:00 p.m.

**THE VOTE**



JUN 24 2019  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
SHAINA DOAR  
SYLVIA GARCIA  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**

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

**APPLICANT:** Silas Tyler & Annabelle Wong **CAL NO.:** 269-19-Z  
**APPEARANCE FOR:** Same as Applicant **MINUTES OF MEETING:**  
May 17, 2019  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 4947 N. Central Park Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 35.04' to 1.74', south setback from 4' to zero, (north to be 2.14'), combined side setback from 10.5' to 2.14' for a 6' and 8' tall fence and gate at the rear and south of the existing single family residence.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

JUN 24 2019  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
SHAINA DOAR  
SYLVIA GARCIA  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
		X
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 17, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 3, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 1.74', south setback to zero, (north to be 2.14'), combined side setback to 2.14' for a 6' and 8' tall fence and gate at the rear and south of the existing single family residence; George Blakemore testified in opposition; 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 foresaid 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  
121 North LaSalle Street  
Chicago, Illinois 60602  
TEL: (312) 744-3888



JUL 22 2019  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

**Patricia Gonzalez/Athena Board Game  
Cafe, LLC**

APPLICANT

**270-19-Z**  
CALENDAR NUMBER

**May 17, 2019**  
HEARING DATE

**7011 N. Glenwood Avenue**  
PREMISES AFFECTED

**ACTION OF BOARD**

**THE VOTE**

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

	AFFIRMATIVE	NEGATIVE	ABSENT
Farzin Parang, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Shaina Doar	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sylvia Garcia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Amanda Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**FINDINGS OF THE ZONING BOARD OF APPEALS  
IN THE MATTER OF THE VARIATION APPLICATION FOR 7011 N.  
GLENWOOD AVENUE BY PATRICIA GONZALEZ/ATHENA BOARD GAME  
CAFE, LLC**

**I. BACKGROUND**

Patricia Gonzalez/Athena Board Game Cafe, LLC (the "Applicant") submitted a variation application for 7011 N. Glenwood Avenue (the "subject property"). The subject property is currently zoned B3-3 and is currently improved with a mixed-use building (the "building"). The Applicant proposed to open a café in one of the building's storefronts (the "café"). The Applicant proposed to establish a public place of amusement license ("PPA") at the café. To permit this establishment, the Applicant sought a variation to establish a PPA within 125' of a residential district.

**II. PUBLIC HEARING**

**A. The Hearing**

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's variation application at its regular meeting held on May 17, 2019, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Sun-Times*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure, the Applicant had submitted its proposed Findings of Fact. The managing member of Athena Board Game Cafe, LLC

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**

Ms. Patricia Gonzalez was present. Testifying in opposition to the application were Mr. George Blakemore, Mr. Mitchell Harris, Ms. Amy Harris, Ms. Margaret Meiser and Mr. Michael Glasser (collectively, the "Objectors"). With the exception of Mr. Blakemore's testimony and certain other testimony discussed in more detail below, the statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

The Applicant presented the testimony of Ms. Patricia Gonzalez. Ms. Gonzalez testified that she was the "owner" of Athena Board Game Cafe, LLC. She testified that she that intended to open a café at the subject property. She testified that the café would have a library of 300 board games. She testified that the café would have different tables with games out for display and that employees would help customers select board games. She testified that there would be food and beverages available for purchase but that the focus of the business would be on the games. She testified that in order to make this business model work, the Applicant needed to charge a cover charge for access to the games. She testified that this was because she wanted the games – not the food and drink – to be the focus of the business. She testified that she currently lives in Rogers Park and the subject property is in Rogers Park. She testified that she has shared her plans for the café on Facebook and she has started gathering followers who are interested in the business model. She testified that she has started running a weekly community game night in the neighborhood. She testified that the café would only have a cold kitchen so there would be no cooking or open flame. She testified that sandwiches, salads, dessert and coffee would be available for sale. She testified that the café would also serve alcohol. She then testified to her educational and professional background as well as how she planned to operate the café.

Ms. Gonzalez testified that the café would operate Monday through Friday, 6:00 PM to 10:00 PM and Saturday through Sunday, 10:00 AM to 10:00 PM. She testified that these are the prime hours for families with children to spend time together. She testified that her decision to open the café started because of her desire to find something in common with her teenage daughter. She testified that as children grow older, their interests change and it is difficult for parents to find ways to relate to their children. She testified that she and her daughter had always had board games in common and that they were something they could play together. She testified that she wanted more families to have access to such an experience.

Mr. George Blakemore, address unknown, testified in opposition to the application.

In response to questions by the ZONING BOARD OF APPEALS, Ms. Gonzalez testified that if she were not within 125' of a residential district she would not need the variation. She testified that she chose this location because she wanted to make sure that café was part of the community. She testified that she purposefully chose a mixed-use building for that reason. She testified that there are other businesses in the same building and are other restaurants in the area. She testified that the subject property is located in the Arts District of Rogers Park. She testified that subject property is a beautiful location and will not require a lot of changes to make the café operational.

Mr. Mitchell Harris, of 1534 W. Estes, testified in opposition to the application. He testified that he and his wife owned a business in the building. He testified that his business was located in the storefront directly south of the subject property at 7009 N. Glenwood. He testified that his business was a yoga, acupuncture and wellness studio. He testified that the building's storefronts at 7007, 7009 and 7011 N. Glenwood shared a HVAC system and that he could currently hear everything that happened in the storefronts that adjoined his store. He testified that he was therefore very worried about noise as he did not think the noise generated by the café would be compatible with his business. The rest of his opposition to the Applicant's application stemmed from his opposition to the café serving liquor. Since the Applicant was not before the ZONING BOARD OF APPEALS to establish a liquor license and was instead solely before the ZONING BOARD OF APPEALS to establish a PPA, such opposition was not particularly relevant to the ZONING BOARD OF APPEALS' inquiry. He submitted and the ZONING BOARD OF APPEALS accepted into the record a copy of his lease for 7009 N. Glenwood.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Harris testified that the 7011 N. Glenwood has been vacant since he and his wife had opened their business at 7009 N. Glenwood.

In response to questions by the ZONING BOARD OF APPEALS, Ms. Amy Harris, also of 1534 W. Estes, testified that that the noise from the business at 7007 N. Glenwood can sometimes be heard at 7009 N. Glenwood. She testified that she was concerned that a business at 7011 N. Glenwood, especially a business with drinking, would totally disrupt their business at 7009 N. Glenwood.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Harris testified that alcohol would be disruptive. He also testified that people would most likely start smoking in front of the subject property. He testified that he would be less concerned if the café did not serve alcohol but would still have concerns about the noise. He then submitted to and the ZONING BOARD OF APPEALS accepted into the record a printout of the City's Special Service Area ("SSA") No. 24, a Google map showing that bars exist only on the west side of N. Glenwood,<sup>1</sup> and a Google map showing the distance between the subject property and a park.

The ZONING BOARD OF APPEALS stated that it appeared from the Google map that there might a liquor moratorium on the east side of N. Glenwood. It stated that Ms. Gonzalez may wish to look into this.

Ms. Gonzalez testified that it was her understanding that the only issue that prevented her from opening the café was the PPA not the liquor license.

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<sup>1</sup> At this location, N. Glenwood is bifurcated by the elevated tracks of the CTA's Red Line.

The ZONING BOARD OF APPEALS then stated that it wanted to be clear that the café's liquor license was not before the ZONING BOARD OF APPEALS. It stated that receiving a liquor license was a separate process.

The ZONING BOARD OF APPEALS then stated that it also wanted to be clear that the café would be seeking – as set forth on the ZONING BOARD OF APPEALS' agenda – an incidental liquor license and therefore would not be a bar.

Mr. Harris testified that he was concerned about future people coming onto the subject property and using the incidental license to turn the café into something else. He testified that he was concerned about having liquor so close to a public park.

The ZONING BOARD OF APPEALS again stated that the café's liquor license was a separate proceeding.

Ms. Harris then submitted and the ZONING BOARD OF APPEALS accepted into the record a letter of opposition from Mr. Tom Rosenfeld.

Ms. Margaret Meiser, of 1316 W. Fargo, testified in opposition to the application. Her opposition stemmed from her belief that allowing the east side of N. Glenwood to have a bar and PPA would set a bad precedent for the neighborhood. She testified that she believed that if the PPA and liquor license were granted, any owner subsequent to the Applicant could come in and alter the character of the venue. She testified that she was also opposed to the PPA and the liquor license because there was no parking available.

Mr. Michael Glasser, of 1200 Sherwin, testified in opposition to the application. He testified that he believed the application should not go forward at this time because the ward did not have an elected official.<sup>2</sup> He further testified that he believed there had to be a better location for the Applicant's proposed business.

In response to the Objectors' testimony, Ms. Gonzalez further testified that she had been working with Alderman Joe Moore's office since January 2019 and had also reached out to alderman-elect Maria Hadden. She testified that high noise is not conducive to a good board game session and that she would actively work to ensure that high noise did not occur at the café. She testified while there would be conversation, excessive noise is not in the character to her proposed business model. She testified that being located near bars would also not be the character of the type of business she was proposing.

In response to questions by the ZONING BOARD OF APPEALS, Ms. Gonzalez testified that the café's hours of operation would be 6:00 – 10:00 PM during the week and 10:00 AM – 10:00 PM on the weekends. She testified that this is because the café's concept is something to be done after work and school and on the weekends.

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<sup>2</sup> As the incumbent alderman had lost the election and the new alderman had not yet been sworn in.

The ZONING BOARD OF APPEALS then reiterated that the only matter before the ZONING BOARD OF APPEALS was whether or not the Applicant could obtain a PPA. It stated that if ZONING BOARD OF APPEALS granted the PPA, it would be tied solely to the Applicant and would not run at the subject property in perpetuity. It stated that the Applicant's liquor license would also be tied solely to the Applicant and not the subject property. It then explained to the Objectors that while the Applicant's liquor license was outside the scope of the ZONING BOARD OF APPEALS, the Applicant's application for a liquor license would have separate notice requirements and a community process.

#### B. Criteria for a Variation

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

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

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

### III. FINDINGS OF FACT.

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

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

In order to make the Applicant's business model work, Ms. Gonzalez testified that she needs to charge a cover charge for access to the board games. The ZONING BOARD OF APPEALS finds Ms. Gonzalez to be a very credible witness. As the Applicant's business model requires a cover charge (and thus a PPA) and as the subject property is within 125' of a residential zoning district, strict compliance with the regulations and standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships for the subject property. After all, without the requested variation the Applicant would not be able to open its business.

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

Pursuant to Section 17-1-0501 of the Chicago Zoning Ordinance, the requested variation promotes the public health, safety and general welfare in that it encourages family bonding. Pursuant to Section 17-1-0502, the requested variation preserves the overall quality of life for residents and visitors by likewise encouraging family bonding. Pursuant to Section 17-1-0504, the requested variation protects the character of established residential neighborhoods because the Applicant's proposed business model will complement rather than conflict with the nearby residential zoning districts. Pursuant to Section 17-1-0504, the requested variation maintains economically vibrant as well as attractive business and commercial areas because it will allow a currently vacant storefront to be occupied. Pursuant to Section 17-1-0508, the requested variation maintains orderly and compatible land use and development patterns because it will allow a vacant storefront to be filled viable business that is compatible with the nearby residential use. Pursuant to Section 17-1-0509, the requested variation ensures adequate light, air, privacy and access to property because it will be fully contained within the existing storefront.

After careful consideration of the evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, the ZONING BOARD OF

APPEALS hereby makes the following findings with reference to the Applicant's application for a variation pursuant to Section 17-13-1107-B of the Chicago Zoning Ordinance:

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

As set forth above, the Applicant's business model requires a cover charge for access to its board games. In order to charge a cover charge, the Applicant requires a PPA. However, as the subject property is within 125' of a residential zoning district, the Applicant cannot obtain a PPA without the requested variation. Therefore, if the subject property were permitted to be used only in accordance with the standards of the Chicago Zoning Ordinance, the Applicant could not open its café and the subject property would not yield a reasonable return.

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

The Applicant's business model is a unique circumstance which is not generally applicable to other business zoning district properties within 125' of a residential zoning district.

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

The variation, if granted, will allow the Applicant to charge a cover for use of its board games. This will not alter the essential character of the neighborhood. The subject property itself is located in a B3-3 zoning district. A restaurant use – such as a café – is therefore permitted by right.<sup>3</sup> The ZONING BOARD OF APPEALS does not find that a café that charges a cover to use its board games is a more intense use of the subject property than a café that does not charge a cover. Moreover, charging a cover for board game usage in a café that caters to families with children is not a land use that will disturb the nearby residential zoning district.

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

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<sup>3</sup> Section 17-3-0207-AA of the Chicago Zoning Ordinance.

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

The particular physical surroundings – that is, the subject property’s proximity to a residential zoning district – results in particular hardship upon the property owner as without the variation, the Applicant would not be able to operate its business and the storefront would remain vacant. As the storefront has remained vacant for the last four years<sup>4</sup>, this is not a mere inconvenience.

2. *The conditions upon which the petition for the variation is based would not be applicable, generally, to other property within the same zoning classification.*

As noted above, it is the Applicant’s business model that makes the requested variation necessary. The Applicant’s business model is not a condition that is applicable, generally, to other property within the B3-3 zoning classification.

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

The Applicant requires the variation to operate its business. As Ms. Gonzalez very credibly testified, she created Athena Board Game Cafe, LLC so that parents could better relate to their children as they grow older. Thus, the purpose of the variation is not based exclusively upon a desire to make more money out of the subject property.

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

Neither the Applicant nor the property owner created the residential zoning district within 125’ of the subject property.

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

Granting the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the subject property is located. As set forth above, the café itself is permitted by right. It is only the charging of a cover that necessitates the variation. As also set forth above, the

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<sup>4</sup> Mr. Harris testified that the storefront had been vacant since he and his wife opened their acupuncture business. The lease Mr. Harris provided dated from March 2015.

ZONING BOARD OF APPEALS does not find that a café that charges a cover to use its board games is a more intense use of the subject property than a café that does not.

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

The variation will not impair an adequate supply of light and air to adjacent property as it will be fully contained within a commercial storefront. The variation will not substantially increase the congestion in the public streets as the subject property is located within 200 feet of a CTA station as well as bus stops. Nothing about charging a cover for board game uses increases the danger of fire or endangers the public safety. Further, the Applicant intends on only having a cold kitchen with no cooking or open flame. Similarly, nothing about charging a cover for board game usage in a café substantially diminishes or impairs property values within the neighborhood.

#### IV. CONCLUSION

For all of these reasons, the ZONING BOARD OF APPEALS finds that the Applicant has proved its case by evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, covering the specific criteria for a variation pursuant to Sections 17-13-1107-A, B and C of the Chicago Zoning Ordinance.

The ZONING BOARD OF APPEALS hereby approves the Applicant's application for a variation, and pursuant to the authority granted to the ZONING BOARD OF APPEALS by Section 17-13-1105 of the Chicago Zoning Ordinance, the Zoning Administrator is authorized to permit said variation subject to the following condition:

1. The variation is granted solely to the Applicant.

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:** Highlander Capital, LLC

**CAL NO.:** 271-19-Z

**APPEARANCE FOR:** Paul Kolpak

**MINUTES OF MEETING:**  
May 17, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3238 N. Osceola Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the front setback from the required 42.7' to 20', north setback from 4' to 2' (south to be 7'), combined side setback to be 9' for a newly constructed detached garage in front of an existing single family residence.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

**JUN 24 2019**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
SHAINA DOAR  
SYLVIA GARCIA  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
		X
X		
X		
X		
X		

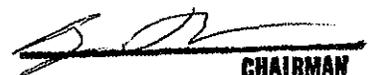
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 17, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 3, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following: the applicant shall be permitted to reduce the front setback to 20', north setback to 2' (south to be 7'), combined side setback to be 9' for a newly constructed detached garage in front of an existing single family residence; George Blakemore testified in opposition; 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 foresaid 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:** Paniq Trio, LLC

**CAL NO.:** 272-19-Z

**APPEARANCE FOR:** Thomas Moore

**MINUTES OF MEETING:**  
May 17, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3059 W. Logan Boulevard

**NATURE OF REQUEST:** Application for a variation to establish a public place of amusement license to provide an escape room, puzzle game and family entertainment which is located within 125' of a residential district.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

JUN 24 2019  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
SHAINA DOAR  
SYLVIA GARCIA  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
		X
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 17, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 3, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a public place of amusement license to provide an escape room, puzzle game and family entertainment which is located within 125' of a residential district; an additional variation was granted to the subject property in Cal. No. 273-19-Z; George Blakemore testified in opposition; 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 foresaid 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:** Paniq Trio, LLC

**CAL NO.:** 273-19-Z

**PEARANCE FOR:** Thomas Moore

**MINUTES OF MEETING:**  
May 17, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3059 W. Logan Boulevard

**NATURE OF REQUEST:** Application for a variation to reduce 100% of the required parking for a public place of amusement, indoor recreational use which is located within a transit served location.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

JUN 24 2019  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
SHAINA DOAR  
SYLVIA GARCIA  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
		X
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 17, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 3, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce 100% of the required parking for a public place of amusement, indoor recreational use which is located within a transit served location; an additional variation was granted to the subject property in Cal. No. 272-19-Z; George Blakemore testified in opposition; 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 foresaid 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:** 3045 Norclark Restaurant

**CAL NO.:** 274-19-S

**APPEARANCE FOR:** Same as Applicant

**MINUTES OF MEETING:**  
May 17, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3458 N. Clark Street

**NATURE OF REQUEST:** Application for a special use to establish two new outdoor rooftop patio areas at an existing two-story general restaurant building.

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

**JUN 24 2019**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
SHAINA DOAR  
SYLVIA GARCIA  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
		X
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held May 17, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 3, 2019; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the special use is issued solely to the applicant 3045 Norclark Restaurant, LLC, and the development is consistent with the design and layout of the plans and drawings dated April 3, 2018, prepared by Thomas Montgomery Architect.

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Stephen and Diana Isaacs

**CAL NO.:** 275-19-Z

**APPEARANCE FOR:** Nicholas Ftikas

**MINUTES OF MEETING:**  
May 17, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 336 W. Wisconsin Street

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 35.25' to 3.02', east and west from 2.53' each to zero, combined site setback from 6.32' to zero for a proposed roof deck with trellis, one-story storage and to replace the roof of the existing pool enclosure serving the existing four-story, single family residence.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

JUN 24 2019  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
SHAINA DOAR  
SYLVIA GARCIA  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
	X	
X		
	X	

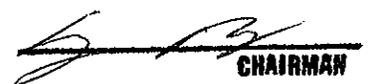
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 17, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 3, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 3.02', east and west from 2.53' each to zero, combined site setback to zero for a proposed roof deck with trellis, one-story storage and to replace the roof of the existing pool enclosure serving the existing four-story, single family residence; George Blakemore of Chicago, Illinois testified in opposition; 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 foresaid variation request be and it hereby is granted subject to the following condition(s): the development is consistent with the design and layout of the new plans submitted at the Hearing.

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



JUL 22 2019

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

**Everbrite 3045 N Ashland, LLC**

APPLICANT

**276-19-Z**

CALENDAR NUMBER

**3045 N. Ashland Avenue**

PREMISES AFFECTED

**May 17, 2019**

HEARING DATE

**ACTION OF BOARD**

**THE VOTE**

The application for the variation is denied.

	AFFIRMATIVE	NEGATIVE	ABSENT
Farzin Parang, Chairman	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Shaina Doar	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sylvia Garcia	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Amanda Williams	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**FINDINGS OF THE ZONING BOARD OF APPEALS  
IN THE MATTER OF THE VARIATION APPLICATION FOR 3045 N.  
ASHLAND AVENUE BY EVERBRITE 3045 N ASHLAND, LLC.**

**I. BACKGROUND**

Everbrite 3045 N Ashland, LLC (the "Applicant") submitted a variation application for 3045 N. Ashland Avenue. The subject property is currently zoned B2-3 and is currently improved with a three-story, three dwelling unit building (the "building"). The Applicant proposed to erect a detached garage with a roof deck, pergola and connecting stairway to the existing building. To permit this, the Applicant sought a variation to reduce the rear setback from the required 30' to 2'.

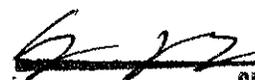
**II. PUBLIC HEARING**

**A. The Hearing**

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's variation application at its regular meeting held on May 17, 2019, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Sun-Times*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure, the Applicant had submitted its proposed Findings of Fact. The Applicant's representative Mr. Chad Zuric<sup>1</sup> and its

<sup>1</sup> The Applicant's attorney identified Mr. Zuric as the "owner" of the LLC. However, the Economic Disclosure Statement submitted as part of the application identified Mr. Simon Zhang as the 100% "owner"

**APPROVED AS TO SUBSTANCE**

  
CHAIRMAN

attorney Mr. Thomas Murphy were present. The Applicant's architect Mr. Laszlo Simovic was also present. Testifying in opposition to the application was Mr. George Blakemore. With the exception of Mr. Blakemore's testimony, the statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

Mr. Murphy stated that the building is currently under construction. He stated that the building's original plans included a garage with a roof deck and that, therefore, the Applicant requested the variation in order to erect the detached garage with a roof deck, pergola and connecting stairway to the existing building. He stated the variation was based on the practical difficulty or hardship of a substandard lot as the subject property measured 24' x 107.02'.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Murphy stated that the building was under construction pursuant to a rezoning that had previously occurred on the subject property. He stated that the original plans submitted with the rezoning had shown the detached garage.<sup>2</sup>

The ZONING BOARD OF APPEALS stated that the Applicant prepared the original plans on the assumption that it would be granted a variation.

Mr. Murphy stated that the Applicant prepared the original plans on the assumption that it would apply for a variation.

The ZONING BOARD OF APPEALS stated that the Applicant began construction of the building without the variation.

Mr. Murphy conceded that this was the case.

The ZONING BOARD OF APPEALS stated that the Applicant was now locked into the original plans. It then asked the Applicant what would happen if the ZONING BOARD OF APPEALS declined to grant the requested variation.

Mr. Murphy stated that the residents of the building would park on the street. He stated that the garage and roof deck are consistent with the neighborhood.

The ZONING BOARD OF APPEALS inquired if the Applicant's hardship was that it was already halfway into construction on the building.

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of the LLC. Unfortunately, the ZONING BOARD OF APPEALS did not realize this discrepancy until after the close of the hearing.

<sup>2</sup> The subject property was rezoned via a Type-1 zoning amendment from B2-2 to B2-3 on May 25, 2018, and published in the *Journal of Proceedings of the City Council of the City of Chicago* (the "Journal") on such date at pages 78735 through 78744. Strictly speaking, both the plans attached to the rezoning and the plans presented to the ZONING BOARD OF APPEALS show a carport (or, as stated on the plans presented to the ZONING BOARD OF APPEALS "asphalt paved parking stalls with overhead deck") as opposed to a garage. However, to avoid confusion, this resolution will refer to the structure as a "garage" as opposed to a "carport."

Mr. Murphy stated that this was not the case. He stated that the Applicant's hardship was the substandard lot size of the subject property. He stated that the only practical way to park cars on the subject property was by way of the rear alley. He stated that the original plans for the detached garage were consistent with the rest of the block.

The Applicant presented the testimony of its architect Mr. Laszlo Simovic. He testified that the subject property was substandard. He testified that the Applicant requested a variation to reduce the rear yard setback so that the proposed garage's roof deck could be accessed from the stairs at the rear of the building.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Simovic testified that the reason the Applicant began constructing the building before obtaining a variation was to expedite building permits.

The ZONING BOARD OF APPEALS then asked if the Applicant would need the variation if it did not construct a roof deck on the detached garage.

Mr. Simovic stated that there was an ordinance for garage roof decks.<sup>3</sup>

The ZONING BOARD OF APPEALS agreed with this statement and then clarified its point; namely, if the Applicant built the detached garage but did not erect a roof deck on said detached garage, it would not need a variation.<sup>4</sup>

Mr. Simovic conceded that this was correct.

The ZONING BOARD OF APPEALS then stated that Mr. Murphy's prior statement with respect to parking on the street was incorrect. It stated that if the variation was not granted, the Applicant would instead build the detached garage without a roof deck. The ZONING BOARD OF APPEALS then noted that under the Chicago Zoning Ordinance, the Applicant was required to provide off-street parking.<sup>5</sup>

The ZONING BOARD OF APPEALS then inquired as to the lot sizes of other lots in the area.

Mr. Simovic testified that he did not analyze all the lots.

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<sup>3</sup> Mr. Simovic was referring to the so-called Hopkins' Amendment. Such ordinance was passed by the City Council on March 29, 2017 and published in the *Journal* on such date at pages 45477 through 45493. Ironically, Mr. Simovic chose to ignore the Hopkins' Amendment when preparing the original plans.

<sup>4</sup> As there would be no need to provide the connection between the building and the detached garage.

<sup>5</sup> As set forth in Section 17-10-0207-C of the Chicago Zoning Ordinance. The ZONING BOARD OF APPEALS notes that the plans presented by the Applicant to the ZONING BOARD OF APPEALS do not show all the required parking (as opposed to the plans passed by the City Council). Since the plans presented to the ZONING BOARD OF APPEALS are contrary to the Chicago Zoning Ordinance, no building permit could be issued.

In response to further questions from the ZONING BOARD OF APPEALS, Mr. Simovic conceded that the lots adjacent to the subject property as well as the other lots on the block were substandard lots.

The ZONING BOARD OF APPEALS then asked what prevented the Applicant from having a detached garage with a side staircase.<sup>6</sup> It asked if the Applicant was prevented from having a side staircase due to the Applicant maxing out all of its space on the subject property.

In answer, Mr. Simovic testified that there was virtually no outside space at all on the subject property.

Mr. George Blakemore, address unknown, testified in opposition to the application.

The ZONING BOARD OF APPEALS then asked if the Applicant had anything else it would like to add.

Mr. Murphy stated that the Applicant had nothing further it would like to add.

#### B. Criteria for a Variation

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

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

Pursuant to Section 17-13-1107-C of the Chicago Zoning Ordinance, in making its determination of whether practical difficulties or particular hardships exist, the ZONING BOARD OF APPEALS must take into consideration the extent to which evidence has been submitted substantiating the following facts: (1) the particular physical surroundings, shape or topographical condition of the specific property involved would result in a particular hardship upon the property owner as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out; (2) the conditions

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<sup>6</sup> As allowed by the Hopkins' Amendment and as codified in the Chicago Zoning Ordinance as Section 17-17-0309.

upon which the petition for a variation is based would not be applicable, generally, to other property within the same zoning classification; (3) the purpose of the variation is not based exclusively upon a desire to make more money out of the property; (4) the alleged practical difficulty or particular hardship has not been created by any person presently having an interest in the property; (5) the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and (6) the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

### III. FINDINGS OF FACT.

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

1. *Strict compliance with the regulations and standards of the Chicago Zoning Ordinance would not create practical difficulties or particular hardships for the subject property.*

The Applicant has requested the proposed variation so that it can run an access stair between the building and the detached garage. The Applicant argued that it needed the proposed variation to access the garage roof deck. However, the fact remains that the Applicant *chose* a plan of development for the subject property that required a variation. Its reason for choosing such a plan of development is purely for profit, as the plan of development for the subject property maximizes every inch of the lot. Further, the Applicant also *chose* to begin construction of the building prior to obtaining a variation. Its reason for doing so was to expedite building permits. However, a practical difficulty or particular hardship cannot mean that "piece of property is better adapted for a forbidden use than the one for which it is permitted, or that a variation would be to the owner's profit or advantage or convenience." *River Forest State & Trust Co. v. Zoning Board of Appeals of Maywood*, 34 Ill.App.2d 412, 419 (1st Dist. 1961). In this case, as the variation is solely for the Applicant's profit or advantage or convenience, it cannot be a practical difficulty or particular hardship.

2. *The requested variation is not consistent with the stated purpose and intent of the Chicago Zoning Ordinance.*

Pursuant to Section 17-1-0513 of the Chicago Zoning Ordinance, the purpose and intent of the Chicago Zoning Ordinance is to "establis[h] clear and efficient

development review and approval procedures.” One such procedure is the requirement that the ZONING BOARD OF APPEALS may not approve a variation unless it makes findings, based on the evidence submitted to it in each case, that strict compliance with the regulations and standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships for the subject property. Since the ZONING BOARD OF APPEALS declines to find that strict compliance with the regulations and standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships for the subject property, the requested variation is also not consistent with the Chicago Zoning Ordinance’s clear and efficient development review and approval procedures.

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

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

If the variation is denied, the subject property will still be improved with a three-story, three-dwelling unit building. The subject property can also still be improved with a detached garage.<sup>7</sup> The detached garage will simply not have a garage roof deck (unless, of course, the Applicant amends its original plans so that its access stair to the garage roof deck complies with the Chicago Zoning Ordinance). It is up to the Applicant to prove its case, and no evidence was presented to the ZONING BOARD OF APPEALS that a new three-story, three-dwelling unit building with a detached garage would make the subject property unable to yield a reasonable return.

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

Although the Applicant argued that the building itself was not the practical difficulty or particular hardship, the ZONING BOARD OF APPEALS does not find such argument believable. Again, the Applicant *chose* to design its program of development for the subject property in such a way that required a variation.

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<sup>7</sup> Though such garage would have to conform with Section 17-10-0207-C of the Chicago Zoning Ordinance.

And it is clear from the plans presented to the ZONING BOARD OF APPEALS that the Applicant has designed its program of development so that it overbuilt the subject property in its pursuit of profit. Pursuit of profit is generally applicable to new development property and thus is not a unique circumstance.

3. *The Applicant failed to prove that the variation, if granted, will alter the essential character of the neighborhood.*

It is up to the Applicant to prove its case. As the Applicant presented no credible evidence as to this criterion, the ZONING BOARD OF APPEALS finds that the Applicant has failed to prove that the proposed variation will not alter the essential character of the neighborhood.

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

1. *The particular physical surroundings, shape or topographical condition of the specific property involved would not result in a particular hardship upon the property owner as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.*

The ZONING BOARD OF APPEALS does not find that the particular physical surroundings, shape or topographical condition of the subject property result in particular hardship on the Applicant. While the Applicant argued that the subject property was a substandard lot, it is not the subject property's status as a substandard lot that is causing the alleged hardship in this instance. The alleged hardship is the fact that the Applicant chose a program of development that did not comply with the Chicago Zoning Ordinance and then began building said program of development.

2. *The Applicant failed to prove that the conditions upon which the petition for the variation is based would not be applicable, generally, to other property within the same zoning classification.*

While the Applicant argued it was the substandard lot size that created the need for the variation, the ZONING BOARD OF APPEALS finds such an argument to be not credible. Moreover, even to the extent that such an argument could be considered credible, the Applicant provided no evidence as to the lot sizes of other property within the B2-3 zoning classification. It is up to the Applicant to prove its case. As the Applicant presented no credible evidence as to this criterion, the ZONING BOARD OF APPEALS finds that the Applicant has failed

to prove that the conditions upon which the petition for the variation is based would be not applicable, generally, to other property within the same zoning classification.

3. *The purpose of the variation is based exclusively upon a desire to make more money out of the property.*

It is clear from the Applicant's plans that its program of development for the subject property is solely to maximize its profit out of the subject property.

4. *The alleged practical difficulty or particular hardship has been created by a person presently having an interest in the property.*

To the extent there is a practical difficulty or particular hardship<sup>8</sup>, such difficulty or hardship stems from the fact that the Applicant chose a program of development that did not comply with the Chicago Zoning Ordinance and then began building said program of development. Such alleged practical difficulty or particular hardship is therefore self-created.

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

It is up to the Applicant to prove its case. As the Applicant presented no credible evidence as to this criterion, the ZONING BOARD OF APPEALS finds that the Applicant has failed to prove that the proposed variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the subject property is located. In fact, as the proposed variation would allow the Applicant to build the detached garage as shown on the plans presented to the ZONING BOARD OF APPEALS, the proposed variation would be detrimental to the public welfare or injurious to other property or improvements in the neighborhood. This is because the plans as presented would allow the Applicant to provide less parking than is required under the Chicago Zoning Ordinance. Further, it would allow the Applicant to build contrary to the plans approved by the City Council.

6. *The Applicant failed to prove that the variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the*

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<sup>8</sup> As noted above, a practical difficulty or particular hardship cannot mean that "piece of property is better adapted for a forbidden use than the one for which it is permitted, or that a variation would be to the owner's profit or advantage or convenience." *River Forest State & Trust Co. v. Zoning Board of Appeals of Maywood*, 34 Ill.App.2d 412, 419 (1st Dist. 1961).

*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.*

It is up to the Applicant to prove its case. As the Applicant presented no credible evidence as to this criteria, the ZONING BOARD OF APPEALS finds that the Applicant has failed to prove that the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values in the area. In fact, as the proposed variation would allow the Applicant to build the detached garage as shown on the plans presented to the ZONING BOARD OF APPEALS, the proposed variation would increase congestion in the public streets. This is because the plans as presented would allow the Applicant to provide less parking than is required under the Chicago Zoning Ordinance.

#### IV. CONCLUSION

For all of these reasons, the ZONING BOARD OF APPEALS finds that the Applicant has not proved its case by evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, covering the specific criteria for a variation pursuant to Sections 17-13-1107-A, B and C of the Chicago Zoning Ordinance.

The ZONING BOARD OF APPEALS hereby denies the Applicant's application for a 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**

**APPLICANT:** Specialized Staffing Solutions, Inc. **CAL NO.:** 277-19-S  
**APPEARANCE FOR:** Thomas Moore **MINUTES OF MEETING:**  
 May 17, 2019  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 4045 W. 26<sup>th</sup> Street

**NATURE OF REQUEST:** Application for a special use to establish a day labor employment agency.

**ACTION OF BOARD-  
 APPLICATION APPROVED**

**THE VOTE**

  
**JUN 24 2019**  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

FARZIN PARANG  
 SHAINA DOAR  
 SYLVIA GARCIA  
 SAM TOIA  
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held May 17, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 3, 2019; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the special use is issued solely to the applicant Specialized Staffing Solutions, Inc., and the development is consistent with the design and layout of the plans and drawings dated May 17, 2019, prepared by the applicant.

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

APPLICANT: Spruce Salon Corp.

CAL NO.: 278-19-S

APPEARANCE FOR: Michael Mazek

MINUTES OF MEETING:  
May 17, 2019

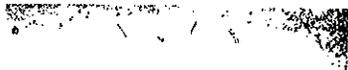
APPEARANCE AGAINST: None

PREMISES AFFECTED: 2815 N. Pine Grove Avenue

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

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**



JUN 24 2019

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
SHAINA DOAR  
SYLVIA GARCIA  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 17, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 3, 2019; and

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

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

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Chaste Essentials Inc. dba Chaste Hair **CAL NO.:** 279-19-S

**APPEARANCE FOR:** Same as Applicant **MINUTES OF MEETING:**

May 17, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 7 S. Austin Boulevard

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

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

*[Faint stamp]*

**JUN 24 2019**

**CITY OF CHICAGO  
ZONING BOARD OF APPEALS**

FARZIN PARANG  
SHAINA DOAR  
SYLVIA GARCIA  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 17, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 3, 2019; and

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

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

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

**APPROVED AS TO SUBSTANCE**

*[Signature]*  
**CHAIRMAN**

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

APPLICANT: Michael Clancy

CAL NO.: 280-19-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:  
May 17, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 10759 S. Campbell

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 22.85' to 10', rear property line abutting a side property line on a reverse corner lot for an accessory building from 5' to 2' for a proposed two-story, single family residence with a detached two-car garage.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

JUN 24 2019  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
SHAINA DOAR  
SYLVIA GARCIA  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
		X
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 17, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 3, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the front setback to 10', rear property line abutting a side property line on a reverse corner lot for an accessory building to 2' for a proposed two-story, single family residence with a detached two-car garage; George Blakemore of Chicago, Illinois testified in opposition; 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 foresaid 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:** John R. Wortell / The Natural Barber Shop, LLC **CAL NO.:** 281-19-S

**APPEARANCE FOR:** Same as Applicant

**MINUTES OF MEETING:**  
May 17, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2959 W. Armitage Avenue

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

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**



**JUN 24 2019**

**CITY OF CHICAGO  
ZONING BOARD OF APPEALS**

FARZIN PARANG  
SHAINA DOAR  
SYLVIA GARCIA  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 17, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 3, 2019; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the special use is issued solely to the applicant, Joseph R. Wortell / The Natural Barber Shop, LLC.

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Crown Castle GT Company, LLC

**CAL NO.:** 282-19-Z

**APPEARANCE FOR:** Amy Degnan

**MINUTES OF MEETING:**  
May 17, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2282-86 N. Clybourn Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the east setback along N. Clybourn from the required 20' to 4.33', south setback from 30' to 9.5' for a proposed accessory equipment cabinet to serve an existing wireless communication tower.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

  
**JUN 24 2019**  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

FARZIN PARANG  
 SHAINA DOAR  
 SYLVIA GARCIA  
 SAM TOIA  
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 17, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 3, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the east setback along N. Clybourn to 4.33', south setback to 9.5' for a proposed accessory equipment cabinet to serve an existing wireless communication tower; George Blakemore of Chicago, Illinois testified in opposition; 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 foresaid 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:** Salon Loft Groups, LLC

**CAL NO.:** 283-19-S

**APPEARANCE FOR:** Patrick Turner

**MINUTES OF MEETING:**  
May 17, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3300 N. Lincoln Avenue

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

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

2019

**JUN 24 2019**

**CITY OF CHICAGO  
ZONING BOARD OF APPEALS**

FARZIN PARANG

SHAINA DOAR

SYLVIA GARCIA

SAM TOIA

AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 17, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 3, 2019; and

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

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

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Salon Loft Groups, LLC

**CAL NO.:** 284-19-S

**APPEARANCE FOR:** Patrick Turner

**MINUTES OF MEETING:**  
May 17, 2019

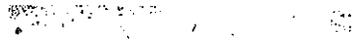
**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 4740 N. Lincoln Avenue

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

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

  
**JUN 24 2019**  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

FARZIN PARANG  
 SHAINA DOAR  
 SYLVIA GARCIA  
 SAM TOIA  
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 17, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-times on May 3, 2019; and

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

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

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

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

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

**APPLICANT:** Afiwa Soglohoun Ametepe  
**APPEARANCE FOR:** Same as Applicant  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1521 W. 87<sup>th</sup> Street

**CAL NO.:** 285-19-S

**MINUTES OF MEETING:**  
 May 17, 2019

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

**ACTION OF BOARD-  
 APPLICATION APPROVED**

**THE VOTE**

JUN 24 2019  
 CITY OF CHICAGO  
**ZONING BOARD OF APPEALS**

FARZIN PARANG  
 SHAINA DOAR  
 SYLVIA GARCIA  
 SAM TOIA  
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 17, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 3, 2019; and

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

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

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

APPLICANT: Sara Johns CAL NO.: 286-19-S

APPEARANCE FOR: Thomas Moore MINUTES OF MEETING:

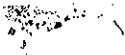
APPEARANCE AGAINST: None May 17, 2019

PREMISES AFFECTED: 642 N. Dearborn Avenue, Unit 3

NATURE OF REQUEST: Application for a special use to establish a fortune telling service.

ACTION OF BOARD- APPLICATION APPROVED

THE VOTE



JUN 24 2019

CITY OF CHICAGO ZONING BOARD OF APPEALS

FARZIN PARANG SHAINA DOAR SYLVIA GARCIA SAM TOIA AMANDA WILLIAMS

Table with 3 columns: AFFIRMATIVE, NEGATIVE, ABSENT. Rows show votes for Farzin Parang, Shaina Doar, Sylvia Garcia, Sam Toia, and Amanda Williams.

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 17, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 3, 2019; and

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

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

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

APPROVED AS TO SUBSTANCE

Signature of Chairman and the word CHAIRMAN

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

**APPLICANT:** Michael Drommerhausen

**CAL NO.:** 287-19-Z

**APPEARANCE FOR:** Rolando Acosta

**MINUTES OF MEETING:**  
May 17, 2019

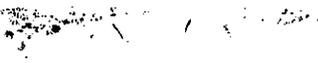
**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1245 W. Webster Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 22' to zero, rear feature setback from 2' to zero, east setback from 3.1' to zero for a proposed rear garage with roof deck and trellis with an open stair at grade and open stair access from the upper floor of the existing two-story, two dwelling unit building to the roof deck garage.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

  
**JUN 24 2019**  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

FARZIN PARANG  
 SHAINA DOAR  
 SYLVIA GARCIA  
 SAM TOIA  
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held May 17, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 3, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to zero, rear feature setback to zero, east setback to zero for a proposed rear garage with roof deck and trellis with an open stair at grade and open stair access from the upper floor of the existing two-story, two dwelling unit building to the roof deck garage; an additional variation was granted to the subject property in Cal. No. 288-19-Z; George Blakemore of Chicago, Illinois testified in opposition; 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 foresaid 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:** Michael Drommerhausen **CAL NO.:** 288-19-Z  
**APPEARANCE FOR:** Rolando Acosta **MINUTES OF MEETING:**  
May 17, 2019  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1245 W. Webster Avenue

**NATURE OF REQUEST:** Application for a variation to relocate the required 149.11 square feet to a proposed garage roof deck to serve an existing two-story, two dwelling unit building.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

JUN 24 2019  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

FARZIN PARANG  
 SHAINA DOAR  
 SYLVIA GARCIA  
 SAM TOIA  
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 17, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 3, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to relocate the required 149.11 square feet to a proposed garage roof deck to serve an existing two-story, two dwelling unit building; an additional variation was granted to the subject property in Cal. No. 287-19-Z; George Blakemore of Chicago, Illinois testified in opposition; 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 foresaid 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:** Constantina Koudounis Trust

**CAL NO.:** 289-19-Z

**APPEARANCE FOR:** Rolando Acosta

**MINUTES OF MEETING:**  
May 17, 2019

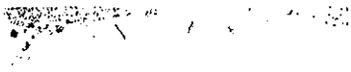
**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2992 N. Milwaukee Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 30' to 2' for a proposed four-story, retail and thirteen dwelling unit building.

**ACTION OF BOARD-**  
Continued to July 19, 2019 at 2:00 p.m.

**THE VOTE**

  
**JUN 24 2019**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
SHAINA DOAR  
SYLVIA GARCIA  
SAM TOLA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**APPROVED AS TO SUBSTANCE**

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

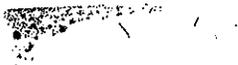
**ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905**

**APPLICANT:** Constantina Koudounis Trust **CAL NO.:** 290-19-Z  
**APPEARANCE FOR:** Rolando Acosta **MINUTES OF MEETING:**  
May 17, 2019  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 2992 N. Milwaukee Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the minimum lot area from the required 13,000 square feet to 11,896 square feet for a proposed four-story, retail and thirteen dwelling unit building.

**ACTION OF BOARD-**  
**Continued to July 19, 2019 at 2:00 p.m.**

**THE VOTE**

  
**JUN 24 2019**  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

FARZIN PARANG  
 SHAINA DOAR  
 SYLVIA GARCIA  
 SAM TOIA  
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**APPROVED AS TO SUBSTANCE**

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

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

**APPLICANT:** 708 S. Campbell, LLC

**CAL NO.:** 293-19-Z

**APPEARANCE FOR:** Nicholas Ftikas

**MINUTES OF MEETING:**  
May 17, 2019

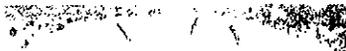
**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3535 W. Wrightwood Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 37.5' to zero, west setback from 5.53' to 0.36' (east to be zero for abutting a public street) for a proposed one-story addition and two, second floor additions to convert the existing two story building to a two dwelling unit building.

**ACTION OF BOARD-**  
Continued to July 19, 2019 at 2:00 p.m.

**THE VOTE**



**JUN 24 2019**

**CITY OF CHICAGO  
ZONING BOARD OF APPEALS**

FARZIN PARANG  
SHAINA DOAR  
SYLVIA GARCIA  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**

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

**APPLICANT:** W. Lake Street Holdings, LLC

**CAL NO.:** 294-19-Z

**APPEARANCE FOR:** Sylvia Michas

**MINUTES OF MEETING:**  
May 17, 2019

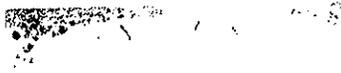
**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1111-13 W. Lake Street

**NATURE OF REQUEST:** Application for a special use to establish an outdoor rooftop patio on the second floor of an existing two-story building which will serve an existing restaurant.

**ACTION OF BOARD-**  
**Continued to July 19, 2019 at 2:00 p.m.**

**THE VOTE**

  
**JUN 24 2019**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
SHAINA DOAR  
SYLVIA GARCIA  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**

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

**APPLICANT:** 2710 W. Montrose, LLC

**CAL NO.:** 291-19-S

**APPEARANCE FOR:** Nicholas Ftikas

**MINUTES OF MEETING:**  
May 17, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2710 W. Montrose Avenue

**NATURE OF REQUEST:** Application for a special use to establish residential use below the second floor for a proposed three-story, three dwelling unit building with a detached three-car garage.

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**



**JUN 24 2019**

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
SHAINA DOAR  
SYLVIA GARCIA  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 17, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 3, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish residential use below the second floor for a proposed three-story, three dwelling unit building with a detached three-car garage; a variation was also granted to the subject property in Cal. No. 292-19-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 site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated April 4, 2019, prepared by Laszlo Simovic Architects, LLC.

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** 2710 W. Montrose, LLC **CAL NO.:** 292-19-Z

**APPEARANCE FOR:** Nicholas Ftikas **MINUTES OF MEETING:**  
May 17, 2019

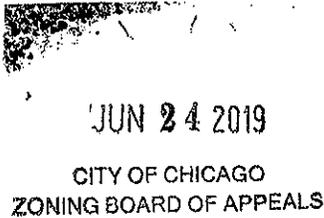
**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2710 W. Montrose Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 30' to 2' for a proposed three-story, three dwelling unit building with a detached three-car garage with a roof deck and access stairs from the rear open porch.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**



JUN 24 2019  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
SHAINA DOAR  
SYLVIA GARCIA  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
	X	

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 17, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 3, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 2' for a proposed three-story, three dwelling unit building with a detached three-car garage with a roof deck and access stairs from the rear open porch; an special use was also granted to the subject property in Cal. No. 291-19-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 foresaid 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:** 708 S. Campbell, LLC

**CAL NO.:** 293-19-Z

**APPEARANCE FOR:** Nicholas Ftikas

**MINUTES OF MEETING:**  
May 17, 2019

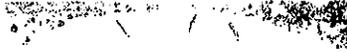
**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3535 W. Wrightwood Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 37.5' to zero, west setback from 5.53' to 0.36' (east to be zero for abutting a public street) for a proposed one-story addition and two, second floor additions to convert the existing two story building to a two dwelling unit building.

**ACTION OF BOARD-**  
**Continued to July 19, 2019 at 2:00 p.m.**

**THE VOTE**



**JUN 24 2019**

**CITY OF CHICAGO  
ZONING BOARD OF APPEALS**

FARZIN PARANG  
SHAINA DOAR  
SYLVIA GARCIA  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**

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

**APPLICANT:** W. Lake Street Holdings, LLC

**CAL NO.:** 294-19-Z

**APPEARANCE FOR:** Sylvia Michas

**MINUTES OF MEETING:**  
May 17, 2019

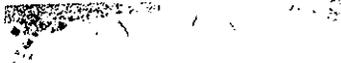
**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1111-13 W. Lake Street

**NATURE OF REQUEST:** Application for a special use to establish an outdoor rooftop patio on the second floor of an existing two-story building which will serve an existing restaurant.

**ACTION OF BOARD-**  
**Continued to July 19, 2019 at 2:00 p.m.**

**THE VOTE**

  
**JUN 24 2019**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
SHAINA DOAR  
SYLVIA GARCIA  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**

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

**APPLICANT:** Anara Ryspekova / Beauty Salon Rami Cami, LLC

**CAL NO.:** 295-19-S

**APPEARANCE FOR:** Same as Applicant

**MINUTES OF MEETING:**  
May 17, 2019

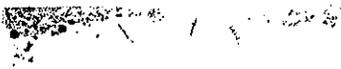
**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2337 N. Clark Street

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

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**



**JUN 24 2019**

**CITY OF CHICAGO  
ZONING BOARD OF APPEALS**

FARZIN PARANG  
SHAINA DOAR  
SYLVIA GARCIA  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 17, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 3, 2019; and

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

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

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

**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



JUL 22 2019  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

**2048 Wood, LLC**

APPLICANT

**296-19-Z, 297-19-Z & 298-19-Z**  
CALENDAR NUMBERS

**2034-2048 N. Wood Street/2034 N. Avondale Avenue**

PREMISES AFFECTED

**May 17, 2019**  
HEARING DATE

**ACTION OF BOARD**

**THE VOTE**

The applications for the variations are approved.

	AFFIRMATIVE	NEGATIVE	ABSENT
Farzin Parang, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Shaina Doar	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sylvia Garcia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Amanda Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**FINDINGS OF THE ZONING BOARD OF APPEALS  
IN THE MATTER OF THE VARIATION APPLICATIONS FOR 2034-48 N.  
WOOD STREET/2034 N. AVONDALE AVENUE BY 2048 WOOD, LLC.**

**I. BACKGROUND**

2048 Wood, LLC (the "Applicant") submitted three variation applications for 2034-2048 N. Wood Street/2034 N. Avondale (the "subject property"). The subject property is currently zoned RT-4 and is currently vacant. The Applicant proposed to construct a three-story, eight-dwelling unit building with an attached eight-car garage. To permit this construction, the Applicant sought variations to reduce: (1) the lot area from the required 8,000 square feet to 7,806 square feet; (2) the following setbacks: (i) the front setback from 15' to 8.4', (ii) the north side setback from 4.8' to 0.69', (iii) the combined side setbacks from 11.93' to 5.49'<sup>1</sup> and (iv) the rear setback from 42.63' to 2.5'; and (3) the rear open space from the required 520 square feet to 360.44 square feet.

**II. PUBLIC HEARING**

**A. The Hearing**

<sup>1</sup> Originally, the Applicant sought to reduce its south side yard setback from the required 4.8' to 4'. This led to the Applicant seeking to reduce the combined side yard setback from the required 11.93' to 4.69'. However, during the course of the hearing, the Applicant withdrew its request to reduce the south side yard setback and, in consequence, amended its request to reduce the combined side yard setback.

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's variation applications at its regular meeting held on March 15, 2019, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Sun-Times*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure, the Applicant had submitted its proposed Findings of Facts. The Applicant's manager Mr. Dorel Ardelean and the Applicant's attorney Mr. Paul Kolpak were present. The Applicant's architect Mr. Laszlo Simovic was also present. Testifying in opposition to the application were Mr. Ron Hadle and Mrs. Mary Hadle (collectively, the "Objectors"). The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

The Applicant's attorney Mr. Paul Kolpak requested that cases 296-19-Z, 297-19-Z and 298-19-Z be consolidated and heard together. Mr. Kolpak then gave an overview of the nature of the Applicant's requests to the ZONING BOARD OF APPEALS.

The Applicant presented the testimony of its manager Mr. Dorel Ardelean. Mr. Ardelean testified that the purpose of designing the proposed building (the "proposed building") with eight units was to reduce market risk and sell the units for a lower price. He testified that his conversations with Mr. Simovic led him to conclude that construction of a seven-unit building would not be cost effective.

The Applicant presented the testimony of its architect Mr. Laszlo Simovic. Mr. Simovic testified that the subject property's triangular shape caused a hardship for the subject property. He testified that it particularly caused a hardship with respect to the side setbacks. He then testified that in designing the proposed building he tried to maximize the setbacks as much as possible. By way of example, he testified that if the subject property had been a regularly shaped RT-4 zoning lot, the Applicant would have had to provide a 2' south side setback under the Chicago Zoning Ordinance (though the Chicago Building Code would have required a 3' south side setback for light and ventilation requirements<sup>2</sup>). He testified that the Applicant was providing a 4' south side setback.

Mr. Simovic went on to testify that the proposed building would have an attached garage and a roof deck above the garage. He testified that the proposed building was designed to provide a roof deck for nearly all units. Mr. Simovic then testified as to how the City calculates side setback requirements and why this calculation is a problem for triangular properties. Mr. Simovic testified that three people originally opposed the project and that two of them withdrew their opposition upon clarification of the proposed design. Mr. Simovic testified that the adjacent neighbors to the south were present at the hearing (i.e., the Objectors) and that their building directly abutted the property line. In response to questions from the ZONING BOARD OF APPEALS, Mr. Simovic testified that a fence would be built separating the Objectors' property from the subject property.

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<sup>2</sup> Most likely because the next neighbor south has an improvement on the property line.

Mr. Simovic then testified that the subject property was just under the minimum lot area requirements for eight units. Mr. Simovic testified that architects prefer to construct multi-unit buildings with an even number of units because buildings with an odd number of units were awkward, lopsided and less able to benefit from the ability to stack plumbing and electrical structures as well as load-bearing walls. Mr. Simovic testified that a symmetrical building would have added curb appeal. Mr. Simovic testified as to the plans of the proposed building and testified that the proposed building would comply with all height and area limitations of the RT-4 zoning district.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Simovic testified that the particular hardship in restricting the Applicant to the Chicago Zoning Ordinance in regards to the minimum lot area standards was that the resulting design would be lopsided and awkward and also the construction ability would be affected. In response to further questioning from the ZONING BOARD OF APPEALS, Mr. Simovic testified that the triangular shape of the subject property created a particular hardship which then required the setback variations. He testified that the variation to reduce rear yard open space was necessary to configure access stairs and decks in the rear yard so that all units had adequate deck space.

In response to questioning by the ZONING BOARD OF APPEALS, Mr. Kolpak stated that building six units instead of eight would not allow the Applicant to build to the extent allowed by the RT-4 zoning designation. He reminded the ZONING BOARD OF APPEALS that the Applicant could build seven units without seeking relief from the ZONING BOARD OF APPEALS. Mr. Kolpak stated that the RT-4 zoning designation would allow the building to achieve the same floor-area ratio but that reducing the number of units to seven would lead to larger units. He stated that these larger units would be more difficult to market. He stated that eight smaller units at a lower price point were easier to market. He stated that, alternatively, the Applicant could have designed six smaller units and had the seventh unit be a larger penthouse unit. He stated that there was no demand for a penthouse in this neighborhood.

Mr. Ardelean testified that constructing six units would lead to bigger, harder to market units. Mr. Ardelean testified that the Applicant would be unable to achieve a reasonable return by constructing six units.

Mr. Kolpak stated that being restricted to constructing six units would cause the Applicant to be treated differently than other owners of property located in RT-4 zoning districts that were able to build to the maximum extent of RT-4 standards.

Mr. Ron Hadle, of 2026 North Wood Street, testified in opposition to the applications. He testified that, in his opinion, the proposed building was too large for the subject property. He testified that his concerns were based on the setback relief requested, the density and the reduction in the minimum amount of property area per dwelling. Mr. Hadle testified that his biggest concern related to the south side yard setback.<sup>3</sup>

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<sup>3</sup> At this time, the Applicant had not yet withdrawn its request to reduce the south side yard setback.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Hadle testified that his concerns included maintenance and reduction in light and privacy. Mr. Hadle further testified that as to his belief that the proposed building would make the flooding of his basement worse as it would add another building to the same sewer drain and overwhelm the City's sewer infrastructure.

Mrs. Mary Hadle, also of 2026 North Wood Street, testified in opposition to the applications. She testified that she agreed with Mr. Hadle's testimony.

In response to the Objectors' testimony, Mr. Simovic testified that the Applicant planned to install an overhead sewer with an ejector pump.

#### B. Criteria for a Variation

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

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

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

the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

### III. FINDINGS OF FACT.

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

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

The subject property's triangular shape creates practical difficulties or particular hardships for the subject property in that it makes it very challenging to design a building for the subject property. As Mr. Simovic and Mr. Ardelean testified, strict compliance with the regulations and standards of the Chicago Zoning Ordinance would result in a very costly, unmarketable building.

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

The requested variations maintain a range of housing choices and options pursuant to Section 17-1-0512 of the Chicago Zoning Ordinance by allowing for the construction of the proposed multi-unit building on an otherwise vacant lot. As shown by the plans, the requested variations ensure adequate light, air, privacy and access to property pursuant to Section 17-1-0509 of the Chicago Zoning Ordinance and maintain orderly and compatible land use and development patterns pursuant to Section 17-1-0508 of the Chicago Zoning Ordinance.

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

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

Mr. Simovic credibly testified that in order for the Applicant to realize a reasonable return, the proposed building would have to contain eight units. He testified that constructing a building with an odd number of units, in this case seven units, is typically not preferred due to aesthetics and a lack of ability to

stack electrical and plumbing systems and load-bearing walls. While some of these considerations could be addressed with a penthouse, there is currently no demand for penthouses in the neighborhood. Similarly, constructing the building with only six units at the present floor area ratio would – as credibly testified to by Mr. Ardelean – result in larger, more expensive units that would not be easily marketable.

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

The subject property is triangular in shape, which is a unique circumstance that is not generally applicable to other residential property in the City.<sup>4</sup> The shape of the subject property poses design challenges which in turn limit what can be built on the subject property.

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

The variations will allow for the construction of the proposed building. The proposed building is consistent with the neighborhood as most of the neighborhood is also zoned RT-4. In fact, Mr. Ardelean testified that if the proposed building had a smaller footprint, it would no longer be compatible with the rest of the neighborhood. Further, and as set forth in the Applicant's proposed Findings of Fact, many surrounding properties on the block have minimal setbacks.

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

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

The triangular shape of the subject property would result in particular hardship upon the subject property if the variations were not approved. Mr. Simovic credibly testified that the irregular shape of the subject property limits what can be built upon the subject property. Without the requested variations, the

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<sup>4</sup> Due, of course, to the City's grid system.

Applicant would be unable to build a structure that would ensure a reasonable return.

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

The triangular shape of the subject property is not generally applicable to other property in RT-4 zoning districts. Most properties in RT-4 zoning districts (or any zoning district) are rectangular in shape.<sup>5</sup>

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

The purpose of the variations is to enable the Applicant to build a structure that can allow the Applicant to realize a reasonable return. As Mr. Simovic testified, without the variations the Applicant would be forced to build less than eight units, which would result in either large, unmarketable units or a penthouse unit for which there is no demand in the neighborhood. This failure to realize a reasonable return is distinct from a desire to increase the Applicant's profits.

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

The triangular shape of the subject property existed prior to the Applicant's ownership and was in no way due to the actions of the Applicant.<sup>6</sup>

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

Mr. Hadle testified that his concerns regarding the variations were based on the size of the proposed building, an increased potential for flooding and the proposed building's proximity to the Objectors' building. However, the Applicant did not seek a variation in floor area ratio or building height, and it is clear from the Applicant's proposed plans that the building is appropriately massed for the subject property. The Applicant intends to use an overhead sewer with ejector pump for the proposed building, and the proposed building itself will not be built without a valid building permit. Such building permit will address any issues regarding the sewer. Finally, the proposed building will have no effect on the neighboring property's privacy, light or maintenance as the Applicant will be maintaining the required setback between it and the Objectors' property.

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<sup>5</sup> Again, due to the City's grid system.

<sup>6</sup> It is in fact due to Avondale being a diagonal street at this location.

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

The proposed building has only one neighboring property which is located to the south (i.e., the Objector's property). The Applicant is not seeking a reduction in its south side setback and, as Mr. Simovic testified, the existing 4.8' south side setback is well in excess of what is typically required by either the Chicago Zoning Ordinance or the Chicago Building Code. Indeed, it is the fact that the subject property is triangular in shape that leads to the required 4.8' south side setback. The proposed building includes an eight-car parking garage to accommodate eight dwelling units and thus will not substantially increase congestion in the public streets. The proposed building will be built in conformance to any and all required building permits and will not increase the danger of fire or endanger the public safety. The variations will not diminish or impair property values within the neighborhood as the proposed building will provide a purpose for an otherwise vacant lot.

#### IV. CONCLUSION

For all of these reasons, the ZONING BOARD OF APPEALS finds that the Applicant has proved its case by evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, covering the specific criteria for a variation pursuant to Sections 17-13-1107-A, B and C of the Chicago Zoning Ordinance.

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

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

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

**APPLICANT:** 2633 Mildred, LLC

**CAL NO.:** 299-19-Z

**APPEARANCE FOR:** Thomas Moore

**MINUTES OF MEETING:**  
May 17, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2633 N. Mildred Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the rear yard setback from the required 37.92' to 2' for a proposed roof top deck and stair connection to the existing three-story, two dwelling unit building.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

  
**JUN 24 2019**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
SHAINA DOAR  
SYLVIA GARCIA  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 17, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 3, 2019; and

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

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the foresaid 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:** 2212 N. Halsted, LLC

**CAL NO.:** 300-19-S

**APPEARANCE FOR:** C. Harrison Cooper

**MINUTES OF MEETING:**  
May 17, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2212 N. Halsted Street

**NATURE OF REQUEST:** Application for a special use to establish residential use below the second floor for a proposed four-story, three dwelling unit building with a private roof deck and detached and a detached, three-car garage.

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**



JUN 24 2019

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
SHAINA DOAR  
SYLVIA GARCIA  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 17, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 3, 2019; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated March 27, 2019, prepared by 360 Design Studio.

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

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

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

**APPLICANT:** James DiPasquale

**CAL NO.:** 301-19-Z

**APPEARANCE FOR:** Rolando Acosta

**MINUTES OF MEETING:**  
May 17, 2019

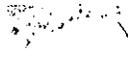
**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 5743 S. Natchez Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the front setback from the required 20.77' to 15', north setback from 4.10' to 3.40' (south to be 12.8'), combined side setback to be 16.2' for a proposed two-story, single family residence with a front roofed open porch.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

  
**JUN 24 2019**  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

FARZIN PARANG  
 SHAINA DOAR  
 SYLVIA GARCIA  
 SAM TOIA  
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 17, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 3, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the front setback to 15', north setback to 3.40' (south to be 12.8'), combined side setback to be 16.2' for a proposed two-story, single family residence with a front roofed open porch; 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 foresaid 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:** Gerald Coyle

**CAL NO.:** 302-19-Z

**APPEARANCE FOR:** John Pikarski

**MINUTES OF MEETING:**  
May 17, 2019

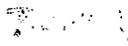
**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1220 W. Flourney Street

**NATURE OF REQUEST:** Application for a variation to reduce the minimum lot area from the required 4,000 square feet to 3,900 square feet to convert at four-story, three dwelling unit building to a four dwelling unit building.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

  
  
**JUN 24 2019**  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

FARZIN PARANG  
 SHAINA DOAR  
 SYLVIA GARCIA  
 SAM TOIA  
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 17, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 3, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the minimum lot area to 3,900 square feet to convert at four-story, three dwelling unit building to a four dwelling unit building; an additional variation was granted to the subject property in Cal. No. 189-19-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 foresaid 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:** Avi Ron

**CAL NO.:** 61-19-Z

**APPEARANCE FOR:** John Pikarski

**MINUTES OF MEETING:**  
May 17, 2019

**APPEARANCE AGAINST:** None

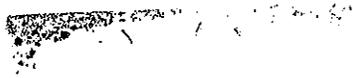
**PREMISES AFFECTED:** 2939-47 W. Catalpa Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the front setback from the required 22.88' to 20', east setback from 12.01' to 1.47', west setback from 12.01' to 6.41' combined side setback from 36.02' to 7.88' to divide an existing zoning lot into two zoning lots. The existing building at 2939 W. Catalpa shall remain. A single family residence is proposed for 2947 W. Catalpa.

**ACTION OF BOARD-**

**Continued to July 19, 2019 at 2:00 p.m.**

**THE VOTE**



**JUN 24 2019**

**CITY OF CHICAGO  
ZONING BOARD OF APPEALS**

FARZIN PARANG  
SHAINA DOAR  
SYLVIA GARCIA  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

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



JUL 22 2019

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

**Beverage Art II d/b/a Wild Blossom II**

APPLICANT

**140-19-Z**

CALENDAR NUMBER

**9016-30 S. Hermitage Avenue**

PREMISES AFFECTED

**March 15 and May 17, 2019**

HEARING DATES

**ACTION OF BOARD**

**THE VOTE**

The application for the variation is denied.

	AFFIRMATIVE	NEGATIVE	ABSENT
Farzin Parang, Chairman	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Shaina Doar	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sylvia Garcia	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Amanda Williams	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**FINDINGS OF THE ZONING BOARD OF APPEALS  
IN THE MATTER OF THE VARIATION APPLICATION FOR 9016-30 S.  
HERMITAGE AVENUE BY BEVERAGE ART II D/B/A WILD BLOSSOM II.**

**I. BACKGROUND**

Beverage Art II d/b/a Wild Blossom II (the "Applicant") submitted a variation application for 9016-30 S. Hermitage Avenue (the "subject property"). The subject property is currently zoned C1-1 and is currently improved with the Applicant's winery. The Applicant proposed to establish a public place of amusement license ("PPA") at its winery. To permit this establishment, the Applicant sought a variation to establish a PPA within 125' of a residential district.

**II. PUBLIC HEARING**

**A. The Hearing**

The ZONING BOARD OF APPEALS held public hearings on the Applicant's variation application at its regular meeting held on March 15, 2019, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Sun-Times*, and as continued without further notice until May 17, 2019, as provided under Section 17-13-0108-A of the Chicago Zoning Ordinance. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure, the Applicant had submitted its proposed Findings of Fact. The Applicant's managing member Mr. Greg Fischer was present at both the March 15 and May 17, 2019 hearings. The Applicant's event manager Mr. Aiden

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

Thompson was present at the May 17, 2019 hearing. Testifying in support of the Applicant at the March 15, 2019 hearing were Mr. Willie Stewart and Mr. Martin Carroll. Testifying in support of the Applicant at the May 17, 2019 hearing were Alderman Howard Brookins (the "Alderman") and Mr. Willie Stewart. Testifying in opposition to the application at the March 15, 2019 hearing were Ms. Ashonda Adams Collins, Ms. Amanda Adams, Mr. James L. Harris, Mr. Dallas Beecher and Ms. Brenda Banks. Testifying in opposition to the application at the May 17, 2019 hearing were Ms. Peggy Adams, Ms. Ashanda Adams Collins, Ms. Amanda Adams, Mr. Kevin Rivkin, Mr. Rudolph Brice, Mr. George Blakemore, Ms. Brenda Banks, and Mr. James Harris. All people opposing the application shall be collectively referred to herein as "Objectors". With the exception of Mr. Blakemore's testimony, the statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

The Applicant's managing member Mr. Greg Fischer opened the March 15, 2019 hearing by testifying that the Applicant currently operated a winery, sold wine and had event space on the subject property. He testified that that the Applicant requested the variation so that it could hold special events with live music as well as give tours. He testified that the Applicant had the support of many public officials. He testified that the Applicant had security to ensure that it did not have unruly customers and that the Applicant catered to an older crowd.

Mr. Willie Stewart, of 345 E. 87th Place, testified in support of the application. He testified that he was a customer of the Applicant. He testified that he had worked with Mr. Fisher for over thirty (30) years and considered Mr. Fisher to be his mentor in producing wines.

Mr. Martin Carroll, of 400 N. Clarendon, testified in support of the application. He testified that he was a customer of the Applicant. He testified that he was also a home brewer. He testified that he believed that the Applicant had been a positive influence on the neighborhood as the area was very blighted. He testified that he had attended many activities at the Applicant's winery and that it has always been very well ordered. He testified that based on the Applicant's past activity, the variation would not be a nuisance.

The ZONING BOARD OF APPEALS noted that the Applicant had to meet certain standards for a variation. It requested that Mr. Fisher address these standards.

Mr. Fisher testified that the Applicant's property taxes had risen from \$9,000 to \$38,000. He testified that such taxes "put extreme pressure on [the Applicant's] bottom line." He testified that he receives a lot of demand for the Applicant's special events and would like to provide more special events. He testified that the Applicant would also like to provide tours of the Applicant's winery. He then testified as to what events the Applicant currently has on the subject property. He testified that the PPA was so that the Applicant could have live music and charge for live music. He testified that currently the Applicant has live music events but did not charge.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Fisher provided further testimony.

Ms. Ashonda Adams Collins, of 1747 W. 90th Street, testified in opposition to the application. She testified that she lived less than 50' from the Applicant's winery. She testified that the question was not the existence of the winery as the subject property had been rezoned back in 2012 to allow for the winery.<sup>1</sup> She testified that for over a year, the winery has existed as a club space and bar. She testified that there was no problem with the winery's events as such events happen during the day. She testified that when the Applicant had events at night that started at 9:00 PM and ran until 2:00 or 3:00 AM there were issues with noise, trash and parking. She testified that she and her fellow residents had spoken to the Applicant over the last 18 months. She testified that the Applicant had a total of 12 licenses, but this was the first time she and her fellow residents had had a chance to actually object to the issuance of a license. She testified that the Applicant had a patio license and that people cut through gangways at her home to get to the patio. She testified there was liquor, music and cannabis on the patio. She testified that the alley separating the neighbors from the Applicant had previously opened onto both 95th and Beverly. She testified that it now was closed off on Beverly and so there was now only one way in and out of the alley. She testified that the Applicant's customers currently park in the alley and block residents from exiting their garages. She testified that she and her fellow residents had last spoken to Mr. Fisher on Wednesday (March 13) about the Applicant's customers blocking garages in the alley. She testified that the Applicant never cleaned up after his customers. She testified that residents often have to park a block away and walk back to their homes.

Ms. Amanda Adams, also of 1747 W. 90th Street, testified in opposition to the application. Her testimony echoed Ms. Collins' testimony with respect to the issues with parking. She testified that contrary to Mr. Fisher's testimony, there was more than an "older crowd" that attended the events at the Applicant's winery. She testified that Friday and Saturday nights there were house parties every week. She testified that she and her fellow residents have had at least two communities meetings with Mr. Fisher and the Alderman to resolve these issues but that nothing has happened. She testified that in these meetings she and her fellow residents complained about the parking and the music. She testified that the music is so loud that it can be heard inside and outside. She testified that this is not just a weekend thing but occurs during the week as well. She testified that she and her fellow residents cannot sleep. She testified that to her knowledge no one from the City's Department of Business Affairs and Consumer Protection ("BACP") had ever been involved in the conversation. She testified that to her knowledge no one from the City had ever done noise studies.

Ms. Peggy Adams, of 1747 W. 90th Street, testified in opposition to the application. She testified that she had been a resident of the neighborhood for over forty-five (45) years. She testified that the original property owners had paid to have the alley paved but

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<sup>1</sup> The subject property was rezoned from RS-2 to C1-1 on June 6, 2012 and published in the *Journal of the Proceedings of the City Council of the City* for such date at page 28970.

now residents could barely use the alley because one side of the alley was now closed off and because the Applicant's delivery trucks and customers block the alley. She testified that residents are forced to park in front of their houses but that oftentimes this is not possible as the Applicant's customers use these parking spaces. She testified that she and her fellow residents currently park around the block. She testified that she did not object to the winery but that she objected to the winery's events as said events lasted until 3:00 AM or later. She testified the music was so loud she and her fellow residents could not sleep. She testified that she could feel the music's vibrations in her living room. She testified that at the winery's late night events, she had witnessed drug transactions.

Mr. James L. Harris, of 1759 W. 90th Street, testified in opposition to the application for the reasons already stated.

Mr. Dallas Beecher, of 1762 S. 90th Street, testified in opposition to the application for the reasons already stated.

Ms. Brenda Banks, of 1749 W. 90th Street, testified in opposition to the application for the reasons already stated.

In response to the Objectors' testimony, the ZONING BOARD OF APPEALS asked Mr. Fisher several questions relating to the Applicant's current operations as well as the Applicant's proposed operations should the PPA be granted.

In response to these questions, Mr. Fisher provided further testimony.

At the end of this testimony, the ZONING BOARD OF APPEALS stated that it was going to continue the hearing so that the Applicant could provide a line-by-line brief as to how the Applicant would be addressing the Objectors' concerns. In particular, it stated that it wished to know more about noise, especially what sound studies had been done and who had done said studies. It stated it wished to know more about the traffic issues, especially with respect to the alley and the Metra station. It stated that it wished to know more about what types of events with liquor the Applicant was currently having and what type of events with liquor the Applicant planned to have. The ZONING BOARD OF APPEALS reminded the Applicant that it was the Applicant's burden to prove that its application for a variation should be granted.

The May 17, 2019 hearing opened with Mr. Fischer re-identifying himself. He testified that the Applicant had enhanced the subject property and that its winery had received great reviews.

The ZONING BOARD OF APPEALS reminded Mr. Fischer that it had asked the Applicant to provide a more organized presentation as to what the Applicant proposed to do in response to the Objectors' concerns.

Mr. Fischer then submitted to the ZONING BOARD OF APPEALS the Applicant's proposed plan of operations, a letter regarding the Applicant's commitment to provide

residential zone parking for the Objectors, the results of a sound study performed by a company named Paragon Studies, Inc. and some sections of the Municipal Code of the City.

While the ZONING BOARD OF APPEALS' staff made copies of these documents for the Objectors, the Alderman testified in support of the application. He testified that the Objectors had legitimate concerns with respect to some of the Applicant's operations and patrons. He testified that the Objectors had been told that a winery would be on the subject property not a night club. He testified that he had addressed the issues with both the Objectors and Mr. Fischer. He testified that the Applicant had secured parking spaces through the Cook County Forest Preserve (the "Preserve"). He testified that the Applicant would hire a valet service to park cars at the Preserve. He testified that he had discussed with both the Objectors and Mr. Fischer the fact that as there is no residential zone parking in the area, anyone can park in the area. He testified that the Applicant has agreed to pay for residential zone parking for the Objectors. He testified that the Applicant had agreed to erect a privacy fence around the back of the winery to cut down on noise. He testified that the Applicant had agreed to do other things to keep noise at a minimum and cut down on the hours of operation. He testified that if these things were done, he wholeheartedly supported the Applicant's application.

Mr. Fischer testified that the Applicant had agreed to cut its hours of operation. He testified that the Applicant would close at 11:00 PM on weekdays and close on 12:00 AM on weekends. He testified, however, that for some special events, the Applicant would close at 2:00 AM on weekends. He testified that the Applicant's hours of operation for its outdoor patio would be until 10:00 PM on weekdays and until 12:00 AM on weekends. He reiterated his testimony that there would be special events, such as star gazing in conjunction with the Chicago Astronomical Society. He testified that the Applicant would have a professional security crew for all of its special events. He testified that the Applicant had recently installed sixteen (16) security cameras. He testified that all of the Applicant's servers are BASSET trained so that people are not overserved. He testified that the Applicant had agreed to pay for residential zone parking for the Objectors. He testified that the Applicant had a fifteen (15) car parking area to the south of the winery. He testified that there were four (4) blocks of parking on Beverly Avenue from 91st Street all the way to 94th Street. He testified that the Applicant could also take advantage of parking at Cosme Park. He testified that the Applicant had performed a sound study and that the Applicant is not violating any sound ordinances. He testified that the Applicant would lower its sound volumes after 12:00 AM. He testified that the Applicant already had sound absorbing tiles installed and was looking into installing more. He testified that the Applicant intended to install a sound barrier fence along the alley to further mitigate sound. He testified that with respect to trash, there were a lot of raccoons in the area, and to mitigate this, the Applicant had increased its number of trash pick-ups per week.

The ZONING BOARD OF APPEALS noted that it was accepted into the record the Applicant's proposed plan of operations, a letter regarding the Applicant's commitment to provide residential zone parking permits, the results of a sound study performed by a

company named Paragon Studies, Inc. and some sections of the Municipal Code of the City.

It then asked the Applicant some questions to understand what the Applicant currently had in place with respect to operations and what it was proposing to change.

In response, both Mr. Fischer and the Applicant's event manager Mr. Aiden Thompson provided further testimony.

Ms. Peggy Adams testified in opposition to the application. She testified that everything the Applicant testified to with respect to its operations sounded great if it were true. She testified that the changes the Applicant had implemented in the last few months had not had a positive impact. She testified that, if anything, matters have gotten worse since the Applicant has instituted valet parking as now there is no parking in front of the subject property.

Ms. Ashanda Adams Collins testified in opposition to the application. She submitted to and the ZONING BOARD OF APPEALS accepted into the record a series of photographs taken over the past eighteen (18) months depicting examples of the issues about which the Objectors complained.

In response to questions by the ZONING BOARD OF APPEALS, Ms. Collins testified that the Applicant's operations at the subject property had gotten worse over the past few months. She testified that the Applicant was not closed by 12:00 AM on the weekends. She testified that the Applicant's worst event since the last hearing before the ZONING BOARD OF APPEALS had occurred on April 6, 2019, in which a party continued past 3:00 AM. She testified that the noise could be heard inside the Objectors' residences. She testified that parking for the party went from 89th and Heritage, Winchester and Beverly back to 92nd and Beverly. She testified that no one was using the Preserve parking lots and that no one was arriving by Metra. She testified that the first time the Objectors had met with the Alderman and the Applicant – after the Applicant and Alderman had requested a continuance at the ZONING BOARD OF APPEALS' April 19, 2019 meeting – had been the prior Monday (i.e., May 13, 2019) at 7:00 PM. She testified that at the Monday meeting, the Applicant made note of the Objectors' complaints. She testified that the Applicant's proposed plan of operations was just a reworded version of the Objectors' complaints. She testified that the Objectors had been asking for residential zone parking since July 2018 but had not heard anything about it until the Monday meeting. She testified that if the Applicant had some guarantee that the Applicant would do the things set forth in its proposed plan of operations, the Objectors' issues would be adequately addressed. She testified, however, that she and her fellow Objectors have had an eighteen (18) month struggle of Mr. Fischer stating the Applicant would do something and then nothing would be done.

Ms. Amanda Adams testified in opposition to the application. She testified that one of the biggest problems the Objectors faced is that when they brought their concerns to the Applicant, the Applicant always denied there were any problems. She testified that

this is why the Objectors have brought the pictures previously submitted to the ZONING BOARD OF APPEALS. She testified that the Objectors wished to show the ZONING BOARD OF APPEALS that their concerns were legitimate. She testified that there were problems now with the Applicant's operations and the weather was still cold. She testified that she was concerned as to what would happen when the weather warmed up. She testified that once the Applicant had the PPA license, the winery would essentially be a nightclub, and in the summer, nightclubs had more issues.

The ZONING BOARD OF APPEALS then asked a series of questions to authenticate the pictures. Ms. Adams, Ms. Collins and Mr. Fischer provided further testimony.

Mr. Kevin Rivkin, of 8960 S. Winchester, testified in opposition to the application. He testified that the parking situation has been getting worse. He then submitted and the ZONING BOARD OF APPEALS accepted into the record a photograph showing the parking situation on Winchester. He testified that he had to go outside and tell people they could not park in his driveway.

Mr. Rudolph Brice, of 1749 90th Street, testified in opposition to the application. He testified that many of the Applicant's patrons become very hostile when they were asked to leave his property. He testified that had he known that the Applicant was going to open up a nightclub behind his house, he never would have purchased his property. He testified that he did not wish for alcohol to be sold behind his property.

Ms. Adams further testified that as could be seen from the pictures submitted by Ms. Collins, the Applicant's customers were parking in no parking zones. She testified that the police frequently drove by and did nothing. She testified that if the PPA were granted and the situation got worse, the Objectors would have no recourse since nothing was being done now.

Mr. George Blakemore, address unknown, testified in opposition to the application.

In response to the Objectors' testimony and questions by the ZONING BOARD OF APPEALS, Mr. Fischer testified that he believed the parking situation would improve once there was residential zone parking. He testified that he believed the residential zone parking would keep people out of the neighborhood. He testified that he was unsure as to the limits of the residential zone parking. He testified that the Applicant was not currently charging a cover fee although it did charge for wine tastings and food. He testified that the Applicant wanted the PPA so that it could have different events, expand its operations and stay in business.

In response to the Objectors' testimony and questions by the ZONING BOARD OF APPEALS, Mr. Thompson testified that a cover would allow the Applicant to bring in more entertainment and generate more customers. He testified that it would allow the Applicant to bring in better quality entertainment. He testified that currently events at the winery were hosted by locals. He testified that if the Applicant wanted to bring in a bigger name or higher quality production, that would cost a lot of money. He testified

that being allowed to charge a cover at the door would allow the Applicant to do higher end events.

In response to the Objectors' testimony and questions by the ZONING BOARD OF APPEALS, Mr. Fischer further testified that the Applicant had not towed anyone out of the alley. Mr. Fischer testified that most of the vehicles shown in the pictures provided by the Objectors were unloading and that most deliveries were done within fifteen (15) minutes. He testified that the Applicant could not have deliveries elsewhere. He testified that if the Applicant did an event, it asked people to park at the Metra stop and not to park in the residential neighborhood. He testified that he would work with the Objectors to ensure cars were towed. He testified that he would work with the beat cops to enforce the residential zone parking. He testified that he had been speaking with the Alderman and the Objectors about the issues for a long time. He testified that though the Applicant's events would never go past 2:00 AM, the Applicant might clean after that time as the Applicant could legally be open until 3:00 AM.

Mr. Rivkin then testified that he possessed fliers promoting an event being held at the subject property with a 3:00 AM closing time. He then submitted said fliers and the ZONING BOARD OF APPEALS accepted such into the record.

Ms. Brenda Banks testified in opposition to the application. She testified that the Applicant currently does valet parking on the public street in front of the winery. She testified that this did not help because people do not want to pay for valet parking and still park in the neighborhood.

Mr. James Harris, of 1759 W. 90th Street, testified in opposition to the application. He testified that the Applicant's clientele are not decent people and frequently go through his back yard and use it as a gangway to reach their cars.

In response to the fliers submitted by Mr. Rivkin, Mr. Fischer testified that the fliers were put out by event promotors and not by the Applicant. He testified that, therefore, the hours of operation were wrong. He testified that the Applicant did not produce the fliers.

In response to further questions by the ZONING BOARD OF APPEALS, Mr. Fischer testified that the Applicant had signs up telling people where to park.

Mr. Willie Stewart again testified in support of the application.

#### B. Criteria for a Variation

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

particular hardships; and (2) the requested variation is consistent with the stated purpose and intent of the Chicago Zoning Ordinance.

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

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

### III. FINDINGS OF FACT.

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

- 1. The Applicant failed to prove that strict compliance with the regulations and standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships for the subject property.*

It is up to the Applicant to prove its case. The Applicant presented no credible evidence that the failure to grant the PPA would create practical difficulties or particular hardships for the subject property. In fact, all the Applicant proved over the course of the public hearings is that the Applicant desired the PPA so that

it could make more money. For example, Mr. Fischer testified that the PPA would allow the Applicant to off-set its ever-increasing property tax bill. Mr. Thompson testified that the PPA would generate more customers for the Applicant. A practical difficulty or particular hardship cannot mean that "piece of property is better adapted for a forbidden use than the one for which it is permitted, or that a variation would be to the owner's profit or advantage or convenience." *River Forest State & Trust Co. v. Zoning Board of Appeals of Maywood*, 34 Ill.App.2d 412, 419 (1st Dist. 1961). In this case, as the PPA is solely for the Applicant's profit, it cannot be a practical difficulty or particular hardship.

2. *The requested variation is not consistent with the stated purpose and intent of the Chicago Zoning Ordinance.*

The requested variation is not consistent with the stated purpose and intent of the Chicago Zoning Ordinance because it does not: (1) preserve the overall quality of life for residents and visitors pursuant to Section 17-1-0502 of the Chicago Zoning Ordinance; and (2) protect the character of established residential neighborhoods pursuant to Section 17-1-0503 of the Chicago Zoning Ordinance. The ZONING BOARD OF APPEALS finds the Objectors to be very credible witnesses. The Applicant is currently operating the winery in a manner that disrupts surrounding residents' way of life and does not protect their residential neighborhood. Allowing the Applicant to expand its operations would only compound this situation.

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

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

It is up the Applicant to prove its case. The Applicant presented no credible evidence as to this criterion. Although Mr. Fischer testified that the Applicant could not stay in business without the variation, the ZONING BOARD OF APPEALS finds that Mr. Fischer had zero credibility as a witness. Indeed, the ZONING BOARD OF APPEALS notes that judging by the frequency of events at the winery and the number of patrons that frequent such events, the subject property is currently realizing a reasonable return without the requested variation.

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

It is up to the Applicant to prove its case. The Applicant presented no credible evidence that there were practical difficulties or particular hardships with respect to the subject property. As noted above, all the Applicant proved over the course of the hearings is that it desired the PPA so that it could make more money. Even if the ZONING BOARD OF APPEALS believed that a desire to make more money out of the subject property could be a practical difficulty or particular hardship<sup>2</sup>, a desire to make more money out of one's business is not a unique circumstance and is generally applicable to other commercial property.

- 3. The variation, if granted, will alter the essential character of the neighborhood.*

The variation will allow the Applicant to have a PPA at the subject property. The ZONING BOARD OF APPEALS notes that even though the subject property is commercial, it is predominately surrounded by residential property. Therefore, the essential character of the neighborhood is residential. The Applicant's current operations – as very credibly testified to by the Objectors – are incompatible with and detrimental to this essential character. To allow the Applicant the ability to have (in the words of Mr. Thompson) to have a “larger name” or “bigger production” at the subject property would fundamentally alter the essential character of the neighborhood.

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

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

It is up to the Applicant to prove its case. The Applicant presented no credible evidence that the particular physical surroundings, shape or topographical condition of the subject property results in particular hardship on the Applicant.

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<sup>2</sup> Which it does not.

2. *The conditions upon which the petition for the variation is based would not be applicable, generally, to other property within the same zoning classification.*

As noted above, the ZONING BOARD OF APPEALS finds that the the Applicant requests the variation in order to make more money out of its business. This is a condition that is applicable, generally, to other property within the C1-1 zoning classification.

3. *The purpose of the variation is based exclusively upon a desire to make more money out of the property.*

The Applicant requests that variation so that it can off-set its expenses (such as ever-increasing property taxes) as well as to generate more customers. Thus, the purpose of the variation is exclusively based upon a desire to make more money out of the subject property.

4. *The alleged practical difficulty or particular hardship has been created by a person presently having an interest in the property.*

To the extent that a desire to make more money out of a business can be considered a practical difficulty or particular hardship, it is the Applicant that chose to establish its business at the subject property.

5. *The granting of the variation will be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.*

The Applicant's current operations are already detrimental to both the public welfare and are injurious to the Objectors' property. To allow the Applicant the ability to expand its current operations would only exacerbate the situation. The ZONING BOARD OF APPEALS makes this determination not only on the credibility of the Objectors but on the lack of credibility of Mr. Fischer.

6. *The variation will impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.*

The Applicant's current operations have already substantially increased congestion in the public streets. To allow the Applicant the ability to expand its current operations would only exacerbate the situation. Again, the ZONING BOARD OF APPEALS makes this determination not only on the credibility of the Objectors but on the lack of credibility of Mr. Fischer.

#### IV. CONCLUSION

For all of these reasons, the ZONING BOARD OF APPEALS finds that the Applicant has not proved its case by evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, covering the specific criteria for a variation pursuant to Sections 17-13-1107-A, B and C of the Chicago Zoning Ordinance.

The ZONING BOARD OF APPEALS hereby denies the Applicant's application for a 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**

**APPLICANT:** Chris Araiza

**CAL NO.:** 164-19-Z

**APPEARANCE FOR:** Rich Toth

**MINUTES OF MEETING:**  
May 17, 2019

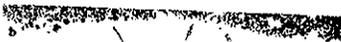
**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 4758 S. Pulaski Road

**NATURE OF REQUEST:** Application for a variation to establish a public place of amusement license to provide live entertainment, music, DJ and cover charge within an existing tavern which is located within 125' of a residential district.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

  
  
**JUN 24 2019**  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

FARZIN PARANG  
 SHAINA DOAR  
 SYLVIA GARCIA  
 SAM TOIA  
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

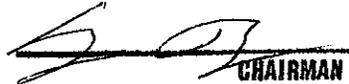
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 17, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 1, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a public place of amusement license to provide live entertainment, music, DJ and cover charge within an existing tavern which is located within 125' of a residential district; George Blakemore of Chicago, Illinois testified in opposition; 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 foresaid variation request be and it hereby is granted subject to the following condition(s): the applicant operate in substantially the same manner as the prior business.

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:** Gerald Coyle

**CAL NO.:** 189-19-Z

**APPEARANCE FOR:** John Pikarski

**MINUTES OF MEETING:**  
May 17, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1220 W. Flourney Street

**NATURE OF REQUEST:** Application for a variation to increase the floor area ratio from 1.2 to 1.65 for a proposed rear three-story addition with roof deck for the existing four-story, three dwelling unit building.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

**JUN 24 2019**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
SHAINA DOAR  
SYLVIA GARCIA  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 17, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to increase the floor area ratio to 1.65 for a proposed rear three-story addition with roof deck for the existing four-story, three dwelling unit building; an additional variation was granted to the subject property in Cal. No. 302-19-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 foresaid 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:** Belmont Real Estate, Inc.

**CAL NO.:** 200-19-S

**APPEARANCE FOR:** Paul Kolpak

**MINUTES OF MEETING:**  
May 17, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3200 N. Harlem Avenue

**NATURE OF REQUEST:** Application for a special use to expand an existing gas station with a proposed rear one-story addition to the existing convenience store and a new one-story car wash.

**ACTION OF BOARD-  
APPLICATION WITHDRAWN**

**THE VOTE**

JUN 24 2019  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
SHAINA DOAR  
SYLVIA GARCIA  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Belmont Real Estate, Inc.

**CAL NO.:** 201-19-S

**APPEARANCE FOR:** Paul Kolpak

**MINUTES OF MEETING:**

May 17, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3200 N. Harlem Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the south end reverse corner lot setback from the required 7.5' to zero, west end setback from 5' to zero for a proposed one-story rear addition to the existing convenience store and a new one-story car wash.

**ACTION OF BOARD-  
APPLICATION WITHDRAWN**

**THE VOTE**

**JUN 24 2019**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
SHAINA DOAR  
SYLVIA GARCIA  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

ZONING BOARD OF APPEALS  
CITY OF CHICAGO

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



JUL 22 2019  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

**SST Real State Group, LLC Series 1821  
Sawyer**  
APPLICANT

**213-19-Z &  
214-19-Z**  
CALENDAR NUMBERS

**1821 North Kimball Avenue**  
PREMISES AFFECTED

**May 17, 2019**  
HEARING DATE

**ACTION OF BOARD**

**THE VOTE**

The applications for the variations are denied.

	AFFIRMATIVE	NEGATIVE	ABSENT
Farzin Parang, Chairman	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Shaina Doar	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sylvia Garcia	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Amanda Williams	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**FINDINGS OF THE ZONING BOARD OF APPEALS  
IN THE MATTER OF THE VARIATION APPLICATIONS FOR 1821 N.  
KIMBALL STREET BY SST REAL ESTATE GROUP, LLC SERIES 1821  
SAWYER.**

**I. BACKGROUND**

SST Real Estate Group, LLC Series 1821 Sawyer (the "Applicant") submitted two variation applications for 1821 N. Kimball (the "subject property"). The subject property is currently zoned RM-4.5 and is currently improved with a three-level frame building. The Applicant proposed to demolish the existing building and construct a four-story, five-dwelling unit building (the "proposed building") with five unenclosed parking stalls. In order to make these improvements, the Applicant sought two variations. The first variation sought to reduce: (1) the north side setback from the required 2.6' to 0' (south to remain 3') and; (2) the combined side setback from 5.4' to 3'. The second variation sought to reduce the rear yard open space from the required 311.6 square feet to 245.92 square feet.

**II. PUBLIC HEARING**

**A. The Hearing**

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's variation applications at its regular meeting held on May 17, 2019, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**

Zoning Ordinance and by publication in the *Chicago Sun-Times*, and as continued without further notice pursuant to Section 17-13-0108-A of the Chicago Zoning Ordinance. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure, the Applicant had submitted its proposed Findings of Facts. The Applicant's representative Mr. Mark Schneider along with its attorney Mr. Paul Kolpak were present. The Applicant's architect Mr. Alan Leskiv was also present. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

The ZONING BOARD OF APPEALS asked the Applicant to explain its hardship as it was unclear from its application materials. Mr. Kolpak stated that the Applicant previously changed the subject property's zoning district from RS-3 to RM-4.5. Mr. Kolpak stated that the plan being presented to the ZONING BOARD OF APPEALS was approved by the community. Mr. Kolpak explained that the proposed building would have four duplexes and one simplex and that under the RM-4.5 zoning district, the Applicant would be permitted to build six units on the subject property. Mr. Kolpak stated that during negotiations, the community requested that the Applicant include an affordable unit in the proposed building, though not an affordable unit pursuant to Chicago's Affordable Requirements Ordinance.<sup>1</sup> Mr. Kolpak also stated that because the width of the subject property was 27', it was not wide enough to include all required parking spots without placing one in the side yard.

In response to questions from the ZONING BOARD OF APPEALS Mr. Kolpak clarified that the variations were not needed to build the proposed building itself, but rather for the proposed parking stalls. In response to further questions from the ZONING BOARD OF APPEALS, Mr. Kolpak stated that the Applicant originally wanted to build a six-unit building but changed to the current plan after a meeting with the community. Mr. Kolpak stated that the original plan for six-units would have needed the requested variations and a four-unit plan would likewise have needed variations because the subject property would not have been able to accommodate four dwelling units and four parking spaces.

The Applicant presented the testimony of Mr. Mark Schneider. Mr. Schneider testified that the proposed building would be a masonry building. Mr. Schneider testified that the proposed building would not be rehabilitated from the existing building but rather would be a brand new, top-of-the line building.

Mr. Kolpak stated that because RS-3 zoning district standards would limit the Applicant to two units, the Applicant requested a zoning change to RM-4.5 from the community in order to construct five units. Mr. Kolpak stated that it would not make economic sense for the Applicant to build only three units.<sup>2</sup>

The Applicant presented the testimony of its architect Mr. Alan Leskiv. Mr. Leskiv testified that the cost of construction for a three-unit building would be around \$700,000.

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<sup>1</sup> See Section 2-44-080 of the Municipal Code of the City of Chicago.

<sup>2</sup> A three-unit building is all the Applicant can build on the subject property without a variation.

Mr. Schneider testified that the Applicant paid about \$241,000 for the land and nearly \$300,000 for the land and the soft costs. Mr. Schneider further testified that construction costs to build the proposed building were currently \$170 per square foot and that there was currently a trade war and soon would be recession. Mr. Schneider testified that the community wanted one of the units to be an affordable unit. Mr. Schneider testified that one of his three sons wanted to live in the simplex unit.

In response to questions from the ZONING BOARD OF APPEALS Mr. Schneider testified that no matter how many units he built on the subject property, the cost per unit was \$170 per square foot. He testified that this was due to the fact that the cost to pour the concrete and lay the brickwork alone would be \$290,000. He testified that despite his 29 years developing properties, he was shell-shocked by this price.

In response to further questions from the ZONING BOARD OF APPEALS Mr. Schneider testified that the Applicant originally planned to build six units but reduced the number of units to five.

In response to questions from the ZONING BOARD OF APPEALS Mr. Kolpak stated that the subject property's change in zoning districts to RM-4.5 would have allowed six units and that the present hardship was that the Applicant was not going to be able to build the maximum number of units allowed by the zoning district. In response to further questions from the ZONING BOARD OF APPEALS, Mr. Kolpak stated that the Applicant had purchased the subject property prior to the change in zoning.

Mr. Schneider testified that constructing a five-unit building would yield a return of 8 percent and that on a three-unit building, the Applicant would be underwater. Mr. Schneider testified that the proposed building would be constructed as a full masonry building and that if the proposed building were built from frame and not masonry, it would not sell in the neighborhood. Mr. Kolpak stated that a frame building would not fit in with the neighborhood. Mr. Schneider testified that because the subject property was three doors down from the Bloomingdale Trail,<sup>3</sup> the proposed building would have to be full masonry. In response to questions from the ZONING BOARD OF APPEALS, Mr. Schneider testified that the frame houses adjacent to the subject property were built in the 1800s and that the house currently on the subject property was built in 1874. In response to further questioning from the ZONING BOARD OF APPEALS, Mr. Schneider testified that the proposed building's masonry construction would be unique from the surrounding frame structures.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Kolpak stated that in today's market, people wanted masonry buildings instead of frame buildings. Mr. Kolpak stated that there were not many frame buildings being built nowadays.

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<sup>3</sup> That is to say the 606 Trail.

Mr. Schneider testified that by the time the building is completed, the economy will be in recession and that the Applicant will most likely have to keep the building in its unsold inventory.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Kolpak reiterated that the Applicant sought the zoning change after purchasing the subject property. He stated that both the variations were needed in order to provide sufficient parking. He stated that to obtain the zoning change, the Applicant had to negotiate with the community, and the community requested the five unit building and the all masonry construction.

#### B. Criteria for a Variation

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

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

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

### III. FINDINGS OF FACT.

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

1. *Strict compliance with the regulations and standards of the Chicago Zoning Ordinance would not create practical difficulties or particular hardships for the subject property.*

The ZONING BOARD OF APPEALS fails to see how strict compliance with the regulations and standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships for the subject property. In its proposed Findings of Fact, the Applicant characterizes its particular hardship as a deprivation of its land use entitlement held by owners of similarly-situated and similarly-zoned property, a denial of its highest and best use for the subject property and a lack of a corresponding benefit to the general welfare. During the hearing, the Applicant argued that its hardship was an inability to build to the maximum limits allowed by RM-4.5. An inability to build the maximum number of units on a given property constitutes neither a practical difficulty nor a particular hardship.<sup>4</sup>

To the extent that the difficulty or hardship to the subject property is the lack of reasonable return on the proposed building if built with less than five units, the Applicant has not provided sufficient evidence to support such an argument. The Applicant purchased the subject property for \$300,000 when it was in an RS-3 zoning district. The RS-3 zoning district would have limited the Applicant to a maximum of two units. Had the Applicant not been successful in changing the subject property's zoning, the Applicant's return would have been even less. The Applicant argues that it would have to build at least five units in order to realize a return and that the proposed building must be constructed from masonry in order to be marketable. The Applicant's argument is not supported by evidence and is not persuasive, particularly as Mr. Schneider testified that the other surrounding structures are frame and that constructing the proposed building from masonry would make it unique to the surrounding structures.

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<sup>4</sup> A practical difficulty or particular hardship cannot mean that a "piece of property is better adapted for a forbidden use than the one for which it is permitted, or that a variation would be to the owner's profit or advantage or convenience." *River Forest State & Trust Co. v. Zoning Board of Appeals of Maywood*, 34 Ill.App.2d 412, 419 (1st Dist. 1961). The requested variations are solely for the Applicant's profit.

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

Pursuant to Section 17-1-0513 of the Chicago Zoning Ordinance, the purpose and intent of the Chicago Zoning Ordinance is to “establis[h] clear and efficient development review and approval procedures.” One such procedure is the requirement that the ZONING BOARD OF APPEALS may not approve a variation unless it makes findings, based on the evidence submitted to it in each case, that strict compliance with the regulations and standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships for the subject property. Since the ZONING BOARD OF APPEALS declines to find that strict compliance with the regulations and standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships for the subject property, the requested variations are not consistent with the Chicago Zoning Ordinance’s clear and efficient development review and approval procedures.

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

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

Mr. Schneider testified that the purchase price for the subject property, including soft costs, was roughly \$300,000. He further testified that construction costs for the proposed building would be approximately \$700,000 and that concrete and brickwork alone would be \$290,000. Mr. Schneider testified that in order for the property to be marketable, the structure would need to be full masonry. However, the Applicant provided little in the way of corroborating evidence to show that frame structures would not be marketable, other than an unsubstantiated claim that the economy would be in recession upon the proposed building’s completion. In fact, Mr. Schneider admitted that this would be the first masonry building on the block. When questioned by the ZONING BOARD OF APPEALS as to why the proposed building must be constructed fully from masonry, Mr Schneider testified, “You can’t make zoning, I guess.”

Also instructive is the fact that at the time the Applicant purchased the subject property, it was zoned RS-3. Without a rezoning, the Applicant would have been

limited to two units. The Applicant purchased the subject property for \$300,000 without any guarantee that it would be upzoned. Accordingly, the ZONING BOARD OF APPEALS does not find Mr. Schneider's testimony regarding market conditions credible.

2. *Any practical difficulty or particular hardship is not due to unique circumstances and is generally applicable to other similarly situated property.*

The ZONING BOARD OF APPEALS has declined to find the existence of a practical difficulty or a particular hardship. Even assuming that the Applicant's inability to build the maximum units allowable under the RM-4.5 zoning constituted difficulty or hardship, there are no unique circumstances in the instant case that cause such difficulties or circumstances. The subject property is oversized and standard in shape. The Applicant has offered no evidence to demonstrate unique circumstances.

3. *The Applicant failed to prove that the variations, if granted, will not alter the essential character of the neighborhood.*

It is up to the Applicant to prove its case. As the Applicant presented no evidence as to this criterion, the ZONING BOARD OF APPEALS finds that the Applicant has failed to prove that the proposed variation will not alter the essential character of the neighborhood. In fact, as Mr. Schneider admitted that all other buildings on the block are frame homes, it is clear that a large, all-masonry building would alter the essential character of the neighborhood.

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

1. *The particular physical surroundings, shape or topographical condition of the specific property involved would not result in a particular hardship upon the property owner as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.*

The subject property is a standard rectangular shape and is oversized, exceeding a standard-sized lot by over 1000 square feet. As such, the ZONING BOARD OF APPEALS does not find that the particular physical surroundings, shape or topographical condition of the subject property results in particular hardship on the Applicant.

- 2. The conditions upon which the petition for the variations is based would be applicable, generally, to other property within the same zoning classification.*

The Applicant's sole basis for the requested variations is the desire to build to the maximum extent permitted by the RM-4.5 zoning district. This desire is applicable to every other property within the RM-4.5 designation, and indeed, any property regardless of zoning district.

- 3. The purpose of the variation is based exclusively upon a desire to make more money out of the property.*

The Applicant's stated desire to maximize the number of units upon the subject property is clearly based upon a desire to make more money out of the property. The ZONING BOARD OF APPEALS is not persuaded by the Applicant's argument that it needs the variations in order to construct five units and realize a reasonable return. When the Applicant initially purchased the subject property for approximately \$300,000, it was in an RS-3 zoning district and the maximum number of units it could have built was two. At that time, there was no guarantee of a zoning change to RM-4.5. After the Applicant purchased the subject property, the Applicant sought a change in zoning district that enabled the Applicant to build at least three units. The Applicant's argument that it will experience a profit loss if it cannot now build five units is inconsistent with the Applicant's decision to purchase a property in an RS-3 district for \$300,000.

- 4. The alleged practical difficulty or particular hardship has been created by a person presently having an interest in the property.*

As noted previously, the ZONING BOARD OF APPEALS finds that no practical difficulty or particular hardship exists in the present case. To the extent that the Applicant's inability to build the maximum number of units permitted by the RM-4.5 zoning district upon the subject property constitutes a practical difficulty or particular hardship, such practical difficulty or particular hardship was created solely by the Applicant. The Applicant initiated the change in zoning to RM-4.5. As noted above, without such zoning change the Applicant would have been limited to only two units.

- 5. There is insufficient evidence to show that granting the variations will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.*

The Applicant wholly failed to address whether granting the variations would be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the subject property is located and as such, the

ZONING BOARD OF APPEALS finds that the Applicant did not present any evidence as to this criterion.

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

The Applicant wholly failed to address whether granting the variations would not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood and, as such, the ZONING BOARD OF APPEALS finds that the Applicant did not present any evidence as to this criterion.

#### IV. CONCLUSION

For all of these reasons, the ZONING BOARD OF APPEALS finds that the Applicant has not proved its case by evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, covering the specific criteria for a variation pursuant to Sections 17-13-1107-A, B and C of the Chicago Zoning Ordinance.

The ZONING BOARD OF APPEALS hereby denies the Applicant's applications for variations.

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

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

**APPLICANT:** Cloud Property Management, LLC 3132-34 Series

**CAL NO.:** 215-19-Z

**APPEARANCE FOR:** Thomas Moore

**MINUTES OF MEETING:**  
May 17, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3132 S. Lituania Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the front setback from the required 10.72' to 1.49', rear setback from 26.79' to 10.67', north setback from 5' to 4.26' (south to be 5.30'), combined side setback from 10' to 9.56' to convert an existing three-story building to a four-story, seven dwelling unit building.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

  
**JUN 24 2019**  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

FARZIN PARANG  
 SHAINA DOAR  
 SYLVIA GARCIA  
 SAM TOIA  
 AMANDA WILLIAMS

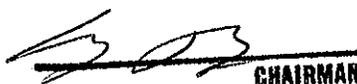
AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held May 17, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the front setback to 1.49', rear setback to 10.67', north setback to 4.26' (south to be 5.30'), combined side setback to 9.56' to convert an existing three-story building to a four-story, seven dwelling unit building; an additional variation was granted to the subject property in Cal. No. 216-19-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 foresaid 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:** Cloud Property Management, LLC 3132-34 Series

**CAL NO.:** 216-19-Z

**APPEARANCE FOR:** Thomas Moore

**MINUTES OF MEETING:**  
May 17, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3132 S. Lituania Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the number of parking spaces from the required seven to six for the proposed conversion of an existing three-story building into a four-story, seven dwelling unit building.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

**JUN 24 2019**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
SHAINA DOAR  
SYLVIA GARCIA  
SAM TOIA  
AMANDA WILLIAMS

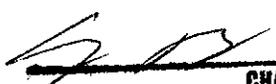
AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 17, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the number of parking spaces to six for the proposed conversion of an existing three-story building into a four-story, seven dwelling unit building; an additional variation was granted to the subject property in Cal. No. 215-19-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 foresaid 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:** 3235 Wilton, LLC

**CAL NO.:** 223-19-Z

**APPEARANCE FOR:** Sara Barnes

**MINUTES OF MEETING:**  
May 17, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3235 N. Wilton Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 32.99' to 27.33' for a proposed four-story, four dwelling unit building with two indoor and two exterior parking spaces.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

JUN 24 2019  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
SHAINA DOAR  
SYLVIA GARCIA  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 17, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 27.33' for a proposed four-story, four dwelling unit building with two indoor and two exterior parking spaces; an additional variation was granted to the subject property in Cal. No. 224-19-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 foresaid 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:** 3235 Wilton, LLC

**CAL NO.:** 224-19-Z

**APPEARANCE FOR:** Sara Barnes

**MINUTES OF MEETING:**  
May 17, 2019

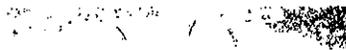
**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3235 N. Wilton Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the rear yard open space from the required 144.05 square feet to 51 square feet for a proposed four-story, four dwelling unit building with two indoor and two exterior parking spaces.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

  
  
**JUN 24 2019**  
  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

FARZIN PARANG  
SHAINA DOAR  
SYLVIA GARCIA  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 17, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear yard open space to 51 square feet for a proposed four-story, four dwelling unit building with two indoor and two exterior parking spaces; an additional variation was granted to the subject property in Cal. No. 223-19-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 foresaid 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**