

OCTOBER 18, 2019

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

APPLICANT: Chicago Elite Developers, LLC **CAL NO.:** 504-19-Z
APPEARANCE FOR: Thomas Moore **MINUTES OF MEETING:**
October 18, 2019
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1107-09 W. Chestnut Street

NATURE OF REQUEST: Application for a variation to reduce the rear yard setback from the required 30' to 21.4' for a proposed detached four car garage with a roof deck which will serve a proposed three-story, four dwelling unit building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

NOV 18 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
TIMOTHY KNUDSEN
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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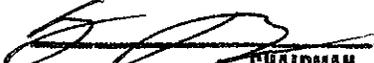
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 3, 2019; and

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 21.4' for a proposed detached four car garage with a roof deck which will serve a proposed three-story, four dwelling unit building; an additional variation was granted to the subject property in Cal. No. 505-19-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: Chicago Elite Developers, LLC **CAL NO.:** 505-19-Z
APPEARANCE FOR: Thomas Moore **MINUTES OF MEETING:** October 18, 2019
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1107-09 W. Chestnut Street

NATURE OF REQUEST: Application for a variation to relocate the required 312 square feet of rear yard open space to the roof of a proposed detached garage that will serve a proposed three-story, four dwelling unit building.

**ACTION OF BOARD-
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APPLICANT: Chicago Elite Developers, LLC **CAL NO.:** 506-19-Z
APPEARANCE FOR: Thomas Moore **MINUTES OF MEETING:**
October 18, 2019
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1111-13 W. Chestnut Street

NATURE OF REQUEST: Application for a variation to reduce the rear yard setback from the required 30' to 21.4' for a proposed detached four car garage with roof deck which will serve a proposed three-story, four dwelling unit building.

**ACTION OF BOARD-
VARIATION GRANTED**

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APPEARANCE FOR: Thomas Moore **MINUTES OF MEETING:**
October 18, 2019

APPEARANCE AGAINST: None

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

APPLICANT: Timothy M. Barrett

CAL NO.: 508-19-Z

APPEARANCE FOR: Bernard Citron

MINUTES OF MEETING:
October 18, 2019

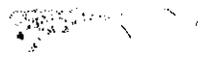
APPEARANCE AGAINST: None

PREMISES AFFECTED: 1625 N. Mohawk Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 19.6' to 0.29', north setback from 2' to 1.79', (south to be 3.73'), combined side setback shall be 5.52' for a rear two-story addition with an attached two car garage with roof deck that shall be accessed from the new second story.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE



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CHAIRMAN

APPLICANT: Timothy M. Barrett

CAL NO.: 509-19-Z

APPEARANCE FOR: Bernard Citron

MINUTES OF MEETING:
October 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1625 N. Mohawk Street

NATURE OF REQUEST: Application for a variation to relocate the required 88.2 square feet of rear yard open space to a proposed attached garage with roof deck which will serve the new single family residence being deconverted from a two dwelling unit building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

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ZONING BOARD OF APPEALS

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ZURICH ESPOSITO
SYLVIA GARCIA
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AFFIRMATIVE	NEGATIVE	ABSENT
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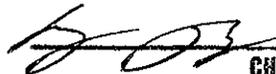
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CHAIRMAN

APPLICANT: Favian Calleros

CAL NO.: 510-19-Z

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:
October 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 13119 S. Avenue N

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 34.72' to 6.81' for a proposed second story addition and a front two-story addition to the existing one-story, single family residence.

**ACTION OF BOARD-
VARIATION GRANTED**

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AFFIRMATIVE	NEGATIVE	ABSENT
X		
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WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 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 6.81' for a proposed second story addition and a front two-story addition to the existing one-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

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CHAIRMAN

ZONING BOARD OF APPEALS
CITY OF CHICAGO

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



JAN 17 2020

CITY OF CHICAGO
ZONING BOARD OF APPEALS

Skymaster LLC
APPLICANT

**511-19-Z, 512-19-Z &
513-19-Z**
CALENDAR NUMBERS

3726-3728 N. Lake Shore Drive
PREMISES AFFECTED

October 19, 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"/>
Jolene Saul	<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"/>
Tim Knudsen	<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 3726-3728 N.
LAKE SHORE DRIVE BY SKYMASTER LLC.**

I. BACKGROUND

Skymaster LLC (the "Applicant") submitted three variation applications for 3726-3728 North Lake Shore Drive (the "subject property"). The subject property is zoned RM-5 and is currently improved with a four-story building (the "existing building"). The Applicant proposed to raze the existing building and redevelop the subject property with a four-story, thirty-six dwelling unit building (the "proposed building" or the "project"). In order to permit the proposed building, the Applicant sought variations to: (1) reduce the north side setback from the required 5' to 0'; (2) eliminate the one required loading berth; and (3) reduce the rear yard open space from the required 1,296 square feet to zero.

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 October 18, 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 manager Mr. James Jann and the Applicant's

APPROVED AS TO SUBSTANCE


CHAIRMAN

attorney Ms. Katrina McGuire were present. The Applicant's architect Mr. Jean Dufresne was also present. Testifying in opposition to the applications was Mr. Steven Mayer. 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 Ms. Katrina McGuire provided an overview of the variation applications.

The Applicant presented the testimony of its architect Mr. Jean Dufresne.

The Applicant presented the testimony of its manager Mr. James Jann.

In response to questions from the ZONING BOARD OF APPEALS Ms. McGuire provided further clarification as to the applications.

Mr. Steven Mayer, of 3730 North Lake Shore Drive, testified in opposition to the applications. In response to questions from the ZONING BOARD OF APPEALS Mr. Mayer provided further testimony.

In response to Mr. Mayer's testimony Mr. Dufresne and Mr. Jann offered further testimony.

B. Criteria for a Variation

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

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

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

inconvenience, if the strict letter of the regulations were carried out; (2) the conditions upon which the petition for a variation is based would not be applicable, generally, to other property within the same zoning classification; (3) the purpose of the variation is not based exclusively upon a desire to make more money out of the property; (4) the alleged practical difficulty or particular hardship has not been created by any person presently having an interest in the property; (5) the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and (6) the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

III. FINDINGS OF FACT.

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

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

As Mr. Dufresne testified, the subject property has no access to an alley and due to its abnormal shape, is particularly narrow. In addition, the subject property is encumbered by a reciprocal access easement along the southern property line. These factors make the placement of a loading berth at the rear of the subject property prohibitively difficult. Additionally, strict compliance with the Chicago Zoning Ordinance's setback reductions would result in a loss of approximately 6000 square feet of buildable space and, as credibly testified by Mr. Jann, would necessitate overly large, long and narrow residential units, which would prevent the Applicant from achieving the necessary density to realize a reasonable return on the project. The ZONING BOARD OF APPEALS finds that these factors make strict compliance with the Chicago Zoning Ordinance a practical difficulty.

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

The requested variations and proposed project is consistent with the stated purpose and intent of the Chicago Zoning Ordinance, specifically by: (1) promoting the public health, safety and general welfare pursuant to Section 17-1-0501 by replacing a structure suffering from disrepair and multiple building code violations with a new building; (2) preserving the overall quality of life for

residents and visitors pursuant to Section 17-1-0502 by allowing a plan of development that does not deliver an overly dense structure; (3) maintaining orderly and compatible land use and development patterns pursuant to Section 17-1-0508 of the Chicago Zoning Ordinance by proposing a plan of development that is consistent with neighboring multifamily residential developments; and (4) maintaining a range of housing choices and options by Section 17-1-0512 by replacing a decrepit structure with a 36-unit residential building.

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

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

The Applicant would be unable to achieve a reasonable rate of return if forced to develop the subject property in strict accordance to the Chicago Zoning Ordinance. The project is expected to cost between \$12.5 to \$12.7 million, which would yield a rate of return of 12.3%. As Mr. Jann credibly testified, without the variations the Applicant would realize a negative rate of return on the subject property.

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's reciprocal access easement along the southern property line and its lack of access to a public alley in the rear are particular hardships that are unique to the subject property and are not generally applicable to similarly situated property. Most properties have access to a public alley in the rear and are not encumbered with a reciprocal access easement along much of their length.

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

The variations enable the subject property to be constructed consistently with the many larger multifamily residential buildings within the neighborhood. Particularly, the variations allow the proposed building to limit its density and height to be comparable to the neighboring building to the south. Additionally, as Mr. Dufresne credibly testified, placing a loading zone on the street rather than a loading berth on the subject property is consistent with the neighboring building to the south.

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

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

The reciprocal access easement along the southern property line and lack of rear alley access would force the Applicant to construct larger, unmarketable units if the strict letter of the regulations were carried out. The presence of a loading berth on the subject property would likewise result in a loss of approximately 600 square feet of buildable space. Additionally, such a loading berth would require trucks to maneuver the overly long drive aisle in reverse, which would be difficult to perform and disruptive to neighbors. The relocation of the required open space to the roof deck allows the provision of adequate parking facilities to support the density needed to realize a reasonable return on the subject property. The ZONING BOARD OF APPEALS finds that these factors constitute a particular hardship and not a mere inconvenience.

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

The conditions upon which the Applicant's request for variations are not generally applicable to other property within the same zoning classification. Properties within RM-5 zoning districts generally do not lack rear alley access and are not encumbered with a reciprocal access easement along nearly the entirety of their length.

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 allow the construction of a structure that will have little impact on its neighbors and yet yield a reasonable return for the Applicant. By forcing the Applicant to adhere strictly to the Chicago Zoning Ordinance, the Applicant would be required to locate the loading berth at the rear of the building. As Mr. Dufresne credibly testified, locating the loading berth on the subject property would necessitate its placement at the rear of the subject property, which would result in a narrow clearance that would make it difficult for trucks to reverse in or out of the loading berth. Additionally, by relocating the required open space, eliminating the loading berth and reducing the side yard

setback, the Applicant can provide adequate parking to serve the density required to earn an adequate rate of return of 12.3%. Without these variations, the limited space for parking would consequently limit the number of dwelling units, which would force large and unmarketable units and result in a negative return on investment. Accordingly, widening the building by reducing the side yard setback, eliminating the loading berth and relocating open space allows space in the rear of the subject property for additional parking, thereby providing a workable layout for units that will be marketable in the neighborhood.

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

The alleged particular hardships – that is, the reciprocal access easement along the southern property line and the lack of rear alley access – precede the Applicant's ownership of the subject property and are not attributable to the Applicant's actions.

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.*

The granting of the variations will not be detrimental to the public welfare or injurious to other property or improvements in the subject property's neighborhood because it will enable the construction of the proposed building, which is designed to limit the disturbance caused by the sound of reversing vehicles. The proposed building will replace the existing building, which is in disrepair and has multiple code violations, with a new structure, which will confer a net benefit to the neighborhood.

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

The proposed variations will not impair adequate supply of light and air to the adjacent property. The property to the south will have substantial setback from the proposed building. The northern neighbor's building is also on the lot line and is a taller building. The proposed development will not substantially increase congestion in the public streets as it will provide thirty-six (36) parking spaces to service thirty-six (36) dwelling units. Additionally, by placing the loading area on the street and not to the rear of the property (where there is no alley), loading will be optimized and delays will be diminished. The proposed project does not increase the risk of fire or endanger the public safety, as the proposed building will replace the existing building, which has received multiple code violations,

and the proposed building will be built in accordance with building permits. The proposed building will not impair property values within the neighborhood, as it is replacing the deteriorating existing building with a new structure.

IV. CONCLUSION

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

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

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

APPLICANT: Fox Team, LLC, Fox 3846, LLC **CAL NO.:** 514-19-Z
APPEARANCE FOR: Same as Applicant **MINUTES OF MEETING:**
 October 18, 2019
APPEARANCE AGAINST: None
PREMISES AFFECTED: 3846 W. Adams Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 36.43' to zero, east setback from 2.26' to zero (west to be zero), combined side setback from 5.67' to zero for a proposed rear fence with rolling gate at 10.75' in height to serve the existing two-story residential building.

**ACTION OF BOARD-
 VARIATION GRANTED**

THE VOTE

NOV 18 2019
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

FARZIN PARANG
 ZURICH ESPOSITO
 SYLVIA GARCIA
 TIMOTHY KNUDSEN
 JOLENE SAUL
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		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 October 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-times on October 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, east setback to zero (west to be zero), combined side setback to zero for a proposed rear fence with rolling gate at 10.75' in height to serve the existing two-story residential 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): fence remaining "as built."

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

APPLICANT: Groot Industries, Inc.

CAL NO.: 515-19-S

APPEARANCE FOR: Carol Stubblefield

MINUTES OF MEETING:
October 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 6747 Elmhurst Road

NATURE OF REQUEST: Application for a special use to establish a 38,788 square feet new transfer station building including office/ mechanical space and a 128 square foot new scale house.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

NOV 18 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
TIMOTHY KNUDSEN
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		
X		

THE RESOLUTION:

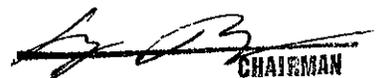
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 3, 2019; and

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 38,788 square feet new transfer station building including office/ mechanical space and a 128 square foot new scale house; an additional special use and a variation were granted to the subject property in Cal. Nos. 516-19-S and 517-19-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 Groot Industries, Inc., and the development is consistent with the design and layout of the plans and drawings dated September of 2019, prepared by APTIM Environmental & Infrastructure, LLC.

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

APPLICANT: Groot Industries, Inc.

CAL NO.: 516-19-S

APPEARANCE FOR: Carol Stubblefield

MINUTES OF MEETING:
October 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 6747 Elmhurst Road

NATURE OF REQUEST: Application for a special use to establish a modified transfer station building.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

NOV 18 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
TIMOTHY KNUDSEN
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 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 modified transfer station building; an additional special use and a variation were granted to the subject property in Cal. Nos. 515-19-S and 517-19-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 Groot Industries, Inc., and the development is consistent with the design and layout of the plans and drawings dated September of 2019, prepared by APTIM Environmental & Infrastructure, LLC.

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

APPLICANT: Groot Industries, Inc.

CAL NO.: 517-19-Z

APPEARANCE FOR: Carol Stubblefied*

MINUTES OF MEETING:
October 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 6747 Elmhurst Road

NATURE OF REQUEST: Application for a variation to permit ornamental fencing to be installed at the property line instead of 5' back, install evergreen trees 6' in height instead of the required 2.5' in caliper trees within the landscape setback, reduce the interior landscape from 21,115 square feet to 17, 595 square feet, reduce the number of interior trees from 201 to 17. Applicant is providing alternative treatments with landscape setbacks.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
TIMOTHY KNUDSEN
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		
X		

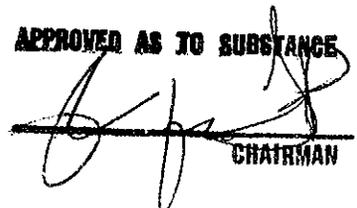
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 3, 2019; and

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 permit ornamental fencing to be installed at the property line instead of 5' back, install evergreen trees 6' in height instead of the required 2.5' in caliper trees within the landscape setback, reduce the interior landscape to 17, 595 square feet, reduce the number of interior trees to 17. Applicant is providing alternative treatments with landscape setbacks; two special uses were also granted to the subject property in Cal. Nos. 515-19-S and 516-19-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.

*Scrivener's error.

APPROVED AS TO SUBSTANCE

CHAIRMAN

APPLICANT: Derrig Montrose, LLC

CAL NO.: 518-19-S

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:
October 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2424 W. Montrose Avenue

NATURE OF REQUEST: Application for a special use to establish residential use below the second floor for the proposed conversion of an existing two-story building to a mixed use building with retail and fifteen residential units.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

NOV 18 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
TIMOTHY KNUDSEN
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 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 the proposed conversion of an existing two-story building to a mixed use building with retail and fifteen residential units; 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 Derrig Montrose, LLC., and the development is consistent with the design and layout of the plans and drawings dated September 4, 2019, prepared by Jonathan Splitt Architects, Ltd.

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: Larba F. Fabumi
APPEARANCE FOR: Same as Applicant
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2449 E. 79th Street

CAL NO.: 519-19-S

MINUTES OF MEETING:
 October 18, 2019

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

**ACTION OF BOARD-
 APPLICATION APPROVED**

THE VOTE



NOV 18 2019
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

FARZIN PARANG
 ZURICH ESPOSITO
 SYLVIA GARCIA
 TIMOTHY KNUDSEN
 JOLENE SAUL
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		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 October 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 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, Larba F. Fabumi.

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: Gnagna Camara dba Leru African Shop Corp.

CAL NO.: 520-19-S

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
October 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3515 W. Chicago

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

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

NOV 18 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
TIMOTHY KNUDSEN
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 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; 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, Gnagna Camara dba Leru African Shop Corp.

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

APPLICANT: Make It Special, LLC

CAL NO.: 521-19-S

APPEARANCE FOR: Chris Leach

MINUTES OF MEETING:
October 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2300 N. Lincoln Park West

NATURE OF REQUEST: Application for a special use to expand an existing residential support services restaurant that is 7, 580 square feet and located on the ground floor of an existing residential building with ground floor commercial use and one hundred seventy-three dwelling units above.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

NOV 18 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
TIMOTHY KNUDSEN
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		
RECUSED		

THE RESOLUTION:

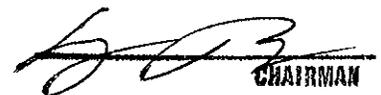
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 3, 2019; and

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 residential support services restaurant that is 7, 580 square feet and located on the ground floor of an existing residential building with ground floor commercial use and one hundred seventy-three dwelling units above; an additional special use was granted to the subject property in Cal. No. 522-19-S; 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 Make It Special, LLC, and the development is consistent with the design and layout of the plans and drawings dated October 12, 2018, submitted 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

APPLICANT: Make It Special, LLC

CAL NO.: 522-19-S

APPEARANCE FOR: Chris Leach

MINUTES OF MEETING:
October 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2300 N. Lincoln Park West

NATURE OF REQUEST: Application for a special use to establish residential support services outdoor patio in conjunction with a 7,580 square foot restaurant that is located on the ground floor of an existing residential building with ground floor commercial use and one hundred seventy-three dwelling units.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

NOV 18 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
TIMOTHY KNUDSEN
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		
RECUSED		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 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 support services outdoor patio in conjunction with a 7,580 square foot restaurant that is located on the ground floor of an existing residential building with ground floor commercial use and one hundred seventy-three dwelling units; an additional special use was granted to the subject property in Cal. No. 521-19-S; 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 Make It Special, LLC, and the development is consistent with the design and layout of the plans and drawings dated October 12, 2018, submitted 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: Chicago 925 Investment Partners, LLC **CAL NO.:** 523-19-Z
APPEARANCE FOR: Nicholas Ftikas **MINUTES OF MEETING:**
 October 18, 2019
APPEARANCE AGAINST: None
PREMISES AFFECTED: 925 W. Chicago Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 30' to 18.65' for a proposed rooftop sunroom addition to an existing three-story, thirty-six unit mixed use building.

**ACTION OF BOARD-
 VARIATION GRANTED**

THE VOTE

NOV 18 2019
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

FARZIN PARANG
 ZURICH ESPOSITO
 SYLVIA GARCIA
 TIMOTHY KNUDSEN
 JOLENE SAUL
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		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 October 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 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 18.65' for a proposed rooftop sunroom addition to an existing three-story, thirty-six unit mixed use 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

APPLICANT: Sara & Todd Shraiberg

CAL NO.: 524-19-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
October 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2204 N. Orchard Street

NATURE OF REQUEST: Application for a variation to reduce the north and south side setback from 2' to zero, combined side setback from 4.8' to zero, rear setback from 35' to zero for a proposed three-story, single family residence with an attached two-car garage with living area above and roof deck.

ACTION OF BOARD-
Continued to November 15, 2019 at 2:00 p.m.

THE VOTE

NOV 18 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
TIMOTHY KNUDSEN
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE


CHAIRMAN

APPLICANT: Oneal Barsin, Inc. dba Juliana's Restaurant **CAL NO.:** 525-19-Z

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
October 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3001-07 W. Peterson Avenue*

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

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

NOV 18 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
TIMOTHY KNUDSEN
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		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 October 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 3, 2019; and

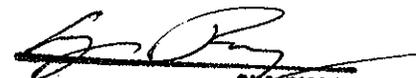
WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a public place of amusement license to provide cover charge for live entertainment in an existing restaurant 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.

*Corrected at Hearing

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Adam Burck

CAL NO.: 526-19-Z

APPEARANCE FOR: Patrick Turner

MINUTES OF MEETING:
October 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2712 W. Francis Place

NATURE OF REQUEST: Application for a variation to reduce the minimum required front setback (W. Francis Place) from the required 8.72' to 7.42', front setback (W. St. Helen Street) from 25.09' to 2' and the front setback for parking (W. St. Helen Street) from 20' to 2' for a proposed two-story single family residence with a detached two-car garage with roof deck and access stair in front (W. St. Helen Street).

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

NOV 18 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
TIMOTHY KNÜDSEN
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
		X
		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 October 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 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 required front setback (W. Francis Place) to 7.42', front setback (W. St. Helen Street) to 2' and the front setback for parking (W. St. Helen Street) to 2' for a proposed two-story single family residence with a detached two-car garage with roof deck and access stair in front (W. St. Helen Street); 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



JAN 17 2020

CITY OF CHICAGO
ZONING BOARD OF APPEALS

Matthew Mitchell

APPLICANT

527-19-Z

CALENDAR NUMBER

3806-08 S. Wolcott Avenue

PREMISES AFFECTED

October 18, 2019

HEARING DATE

ACTION OF BOARD

THE VOTE

The application for the variation is approved.

	AFFIRMATIVE	NEGATIVE	ABSENT
Farzin Parang, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jolene Saul	<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"/>
Timothy Knudsen	<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 3806-08 S.
WOLCOTT AVENUE BY MATTHEW MITCHELL.**

I. BACKGROUND

Matthew Mitchell (the "Applicant") submitted an application for a variation for 3806-08 South Wolcott Avenue (the "subject property"). The subject property is zoned RS-3 and is a double lot. The parcel of land commonly known as 3806 South Wolcott ("Lot 3") is currently improved with an existing single-family residence (the "existing building"). The parcel of land commonly known as 3808 South Wolcott ("Lot 4") is vacant. Currently, the subject property functions as a single zoning lot. The Applicant proposed to subdivide the subject property so that Lot 3 would be a zoning lot and Lot 4 would be a zoning lot. The Applicant proposed to keep the existing building on Lot 3 and erect a new single-family home on Lot 4 (the "proposed building"). To permit this subdivision, the Applicant sought a variation to reduce: (1) the north side setback from the required 2' to 0.4'; (2) the south side setback from the required 2' to 0.8'; and (3) the combined side setback from the required 4.7' to 1.2'.

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 October 18, 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*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure, the Applicant submitted his proposed Findings of Fact. The Applicant Mr. Matthew Mitchell and his attorney Mr. Patrick Turner were present. The Applicant's architect Mr. Christopher Boehm was also present. Testifying in opposition to the application was Mr. Ricardo Zamora. 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. Patrick Turner provided a brief overview of the requested variation. Mr. Turner stated that because of the way the existing home had been built on the subject property, the variation was necessary to subdivide the subject property.¹

The Applicant Mr. Matthew Mitchell testified that he was the owner of the subject property and that if he were to testify further, such testimony would be consistent with the affidavit he submitted as part of his proposed Findings of Fact.

The Applicant presented the testimony of his architect Mr. Christopher Boehm.

Mr. Ricardo Zamora, of 6146 South Kenneth, testified in opposition. He testified that he was the son of Mr. Ramiro Zamora of 3810 South Wolcott. He testified that the basis of his objection was related to adverse possession.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Turner provided further clarification.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Mitchell provided further testimony.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Boehm provided further testimony.

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

¹ Section 17-17-0301 of the Chicago Zoning Ordinance.

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.*

The existing building presents a particular hardship for the subject property. The existing building does not comply with the Chicago Zoning Ordinance's side setback requirements. Because the existing building does not conform to the Chicago Zoning Ordinance, strict compliance with the regulations and standards of the Chicago Zoning Ordinance would require the Applicant to demolish the existing building in order to subdivide the subject property.

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

The requested variation and proposed development is consistent with the stated purpose and intent of the Chicago Zoning Ordinance, specifically by: (1) promoting the public health, safety and general welfare pursuant to §17-1-0501 of the Chicago Zoning Code by preventing extraneous demolition of a 105-year old building; (2) preserving the overall quality of life for residents and visitors pursuant to §17-1-0502 of the Chicago Zoning Ordinance in that, as previously mentioned, inessential demolition is avoided, which in turn eliminates interruption and disturbance to the Applicant and to neighbors; (3) protecting the character of established residential neighborhoods pursuant to §17-1-0503 of the Chicago Zoning Ordinance by preserving and rehabilitating the existing building, which is a 105-year old structure; (4) maintaining orderly and compatible land use and development patterns pursuant to §17-1-0508 of the Chicago Zoning Ordinance in that it legalizes a nonconforming structure; (5) encouraging environmentally responsible development practices pursuant to §17-1-0510 of the Chicago Zoning Ordinance by avoiding the unnecessary demolition of an existing building; (6) promoting rehabilitation and reuse of older buildings pursuant to §17-1-0511 by preserving and rehabilitating an existing building and (7) maintaining a range of housing choices and options pursuant to §17-1-0512 by activating Lot 4 and making it available for development as a single-family home.

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 stated in his Proposed Findings of Fact, the Applicant estimates his costs in acquiring the subject property, rehabilitating the existing building and constructing the proposed building to be \$565,000. The Applicant anticipates selling the existing building and the proposed building for a total of \$680,000, which allows the Applicant to realize a return of approximately 20%. If the variation is denied, the Applicant will only be able to sell the existing building and will suffer a negative return. Thus, the subject property cannot yield a reasonable return if permitted to be used only in accordance with 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.*

The ZONING BOARD OF APPEALS finds that the practical difficulty or particular hardship facing the subject property, namely the nonconforming existing building, is unique to the subject property and is not generally applicable to other similarly situated property, as most property in Chicago is not a double lot burdened with a single nonconforming building. Additionally, Lot 3 and Lot 4 measure 23.5' and 24' in width, respectively, which is substandard as compared to the 25' standard width of a typical Chicago lot. The ZONING BOARD OF APPEALS finds that this narrowness is unique to these lots and is not generally applicable to similarly situated property.

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

The ZONING BOARD OF APPEALS finds that the variation requested will preserve the essential character of the neighborhood in that it will allow rehabilitation of the existing building, which has contributed to the essential character of the neighborhood for 105 years.

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 of the subject property – namely the manner in which the existing building does not conform with the Chicago Zoning Ordinance's side setback requirements – constitutes a particular hardship upon the property and not a mere inconvenience in that strict conformance with the regulations of the Chicago Zoning Ordinance would require that the existing building be demolished before the subject property could be subdivided.

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

The ZONING BOARD OF APPEALS finds that nonconforming existing building and the narrowness of Lot 3 and Lot 4 would not be applicable to other properties within the RS-3 zoning classification. Very few properties of the RS-3 zoning

classification feature a single nonconforming structure on a double lot. Further, very few double lots in the City are made up of two lots of narrow lot width.

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

One of the purposes of the variation is to legalize the nonconforming side setbacks of the existing building and to rehabilitate the 105-year old structure. Therefore, the ZONING BOARD OF APPEALS finds that 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.*

The nonconforming existing building and the narrowness of Lot 3 and Lot 4 predate the Applicant's purchase of the property and cannot be attributed in any way to the Applicant's actions.

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.*

The variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood. The existing building is 105 years old and its rehabilitation will provide a benefit to other properties in the neighborhood. Likewise, the activation of Lot 4 from a vacant lot to a new single-family home will benefit surrounding property.

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.*

As stated in the Applicant's Findings of Fact, the majority of the lots on the same side of the block of the subject property are single-family homes that sit on 24' wide lots. The variation will legalize the existing building which has existed for 105 years and thus will not impair an inadequate supply of light and air to adjacent properties. The proposed building will be built in conformance to all the standards of the Chicago Zoning Ordinance and will thus also not impair an adequate supply of light and air to adjacent properties. The existing building is and the proposed building will be single-family homes and will conform with the

parking standards of the Chicago Zoning Ordinance, which will not lead to any increase in congestion in the public streets. Likewise, the existing building's rehabilitation and the proposed building's construction will be performed pursuant to building permits and thus will not increase the danger of fire or endanger the public safety. Further, the variation allows the rehabilitation for the existing building and for Lot 4 to become buildable, which will not diminish or impair property values in the neighborhood.

IV. CONCLUSION

For all of these reasons, the ZONING BOARD OF APPEALS finds that the Applicant have proved his 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 the Zoning Administrator is authorized to permit said variation.

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

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

APPLICANT: Education & Entertainment, Inc.

CAL NO.: 528-19-Z

APPEARANCE FOR: Francis Ostian

MINUTES OF MEETING:
October 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 9156 S. Stony Island Avenue

NATURE OF REQUEST: Application for a variation to establish a public place of amusement license to provide recreational services, live theatrical performances, dancing comedy and rental space which is located within 125' of a residential district.

ACTION OF BOARD-
Continued to November 15, 2019 at 2:00 p.m.

THE VOTE

NOV 18 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
TIMOTHY KNUDSEN
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE


CHAIRMAN

APPLICANT: Sam Young

CAL NO.: 529-19-Z

APPEARANCE FOR: John Pikarski

MINUTES OF MEETING:
October 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3541 S. Calumet Avenue

NATURE OF REQUEST: Application for a variation to reduce the north and south side setbacks from the required 2.11' each to zero, combined side setback from 5.28' to zero, rear setback from 15.12' to 2.92' for a proposed three-story, single family residence with rear 3rd story roof deck and attached two- car garage.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

NOV 18 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
TIMOTHY KNUDSEN
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		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 October 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 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 side setbacks to zero, combined side setback to zero, rear setback to 2.92' for a proposed three-story, single family residence with rear 3rd story roof deck and attached two- car garage; an additional variation was granted to the subject property in Cal. No. 530-19-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: Sam Young

CAL NO.: 530-19-Z

APPEARANCE FOR: John Pikarski

MINUTES OF MEETING:
October 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3541 S. Calumet Avenue

NATURE OF REQUEST: Application for a variation to relocate the required 74.84 square feet of rear yard open space to a deck or patio to a proposed roof deck which is more than 4' above grade for a proposed three-story, single family residence with rear third story roof deck and attached two-car garage.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

NOV 18 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
TIMOTHY KNUDSEN
JOLENE SAUL
SAM TOIA

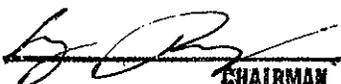
AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held October 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 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 74.84 square feet of rear yard open space to a deck or patio to a proposed roof deck which is more than 4' above grade for a proposed three-story, single family residence with rear third story roof deck and attached two-car garage; an additional variation was granted to the subject property in Cal. No. 529-19-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.


CHAIRMAN

APPLICANT: Alan Coyle

CAL NO.: 531-19-S

APPEARANCE FOR: John Pikarski

MINUTES OF MEETING:
October 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2759 W. Lawrence Avenue

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

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

NOV 18 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
TIMOTHY KNUDSEN
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		
X		

THE RESOLUTION:

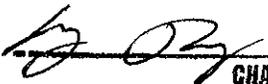
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held October 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 3, 2019; and

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, six dwelling unit building with a detached six car garage with roof deck and elevated walkway for access to the roof deck; a variation was also granted to the subject property in Cal. No. 532-19-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 plans and drawings dated October 18, 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

APPLICANT: Alan Coyle **CAL NO.:** 532-19-Z
APPEARANCE FOR: John Pikarski **MINUTES OF MEETING:**
 October 18, 2019
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2759 W. Lawrence Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback for a rooftop stair enclosure from the front building line from 20' to 15.12', the rear setback from 30' to 2' for a proposed four-story, six dwelling unit building with roof deck, roof top stair enclosures and detached six car garage.

**ACTION OF BOARD-
 VARIATION GRANTED**

THE VOTE

NOV 18 2019
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

FARZIN PARANG
 ZURICH ESPOSITO
 SYLVIA GARCIA
 TIMOTHY KNUDSEN
 JOLENE SAUL
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		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 October 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 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 for a rooftop stair enclosure from the front building line to 15.12', the rear setback to 2' for a proposed four-story, six dwelling unit building with roof deck, roof top stair enclosures and detached six car garage; a special use was also granted to the subject property in Cal. No. 531-19-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: Misericordia Homes **CAL NO.:** 533-19-S
APPEARANCE FOR: Bridget O'Keefe **MINUTES OF MEETING:**
October 18, 2019
APPEARANCE AGAINST: None
PREMISES AFFECTED: 6130 N. Ravenswood Avenue

NATURE OF REQUEST: Application for a special use to establish a drive-through facility to serve a proposed three-story, food service manufacturing facility with retail of goods produced on-site.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

NOV 18 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
TIMOTHY KNUDSEN
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		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 October 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 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 drive-through facility to serve a proposed three-story, food service manufacturing facility with retail of goods produced on-site; two variations were also granted to the subject property in Cal. Nos. 534-19-Z and 535-19-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 Misericordia Homes, and the development is consistent with the design and layout of the plans and drawings dated September 13, 2019, including the landscape plan dated October 11, 2019, all prepared by HKM Architects and Planners, Inc.

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

APPLICANT: Misericordia Home

CAL NO.: 534-19-Z

APPEARANCE FOR: Bridget O'Keefe

MINUTES OF MEETING:
October 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 6130 N. Ravenswood Avenue

NATURE OF REQUEST: Application for a variation to reduce the front east setback from the required 7.5' to zero, reduce the south setback from 3' to zero for a proposed drive through facility to serve a proposed three-story food service manufacturing building with retail of goods produced on-site.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

NOV 18 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
TIMOTHY KNUDSEN
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		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 October 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 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 east setback to zero, reduce the south setback to zero for a proposed drive through facility to serve a proposed three-story food service manufacturing building with retail of goods produced on-site; a special use and another variation were also granted to the subject property in Cal. Nos. 533-19-S and 535-19-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

APPLICANT: Misericordia Home

CAL NO.: 535-19-Z

APPEARANCE FOR: Bridget O'Keefe

MINUTES OF MEETING:
October 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 6130 N. Ravenswood Avenue

NATURE OF REQUEST: Application for a variation to eliminate the required 10' x 25' loading berth that would serve a proposed three-story food service manufacturing building with retail of goods produced on site.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

NOV 18 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
TIMOTHY KNUDSEN
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		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 October 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 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 10' x 25' loading berth that would serve a proposed three-story food service manufacturing building with retail of goods produced on site; a special use and another variation were also granted to the subject property in Cal. Nos. 533-19-S and 534-19-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: Yaz & Cam dba Granero

CAL NO.: 536-19-Z

APPEARANCE FOR: Milan Trifkovich

MINUTES OF MEETING:
October 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2529 N. Milwaukee Avenue

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 restaurant which is located within 125' of a residential district.

ACTION OF BOARD-
Continued to December 20, 2019 at 2:00 p.m.

THE VOTE


NOV 18 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
TIMOTHY KNUDSEN
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Intercultural Montessori Foreign Language Immersion School

CAL NO.: 537-19-S

APPEARANCE FOR: Carol Stubblefield

MINUTES OF MEETING:
October 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 114 S. Racine Avenue

NATURE OF REQUEST: Application for a special use to expand an existing school use on the second floor of an existing three-story, mixed use building.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

NOV 18 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
TIMOTHY KNUDSEN
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 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 on the second floor of an existing three-story, mixed use 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 Intercultural Montessori Foreign Language Immersion School, and the development is consistent with the design and layout of plans and drawings dated August 12, 2019, prepared by B3 Architecture. Further, this special use should extend to any future expansion within the existing building provided there are no physical additions to the building.

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

APPLICANT: Michael Kang

CAL NO.: 538-19-Z

APPEARANCE FOR: Corey Novick

MINUTES OF MEETING:
October 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2147 W. Thomas Street

NATURE OF REQUEST: Application for a variation to reduce the east side setback from the required 2.4' to zero (west to be zero), combined side setback from 2.4' to zero for a proposed one-story addition to the existing one-story, single family residence.

ACTION OF BOARD-

Continued to November 15, 2019 at 2:00 p.m.

THE VOTE

NOV 18 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
TIMOTHY KNUDSEN
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Michael Kang

CAL NO.: 539-19-Z

APPEARANCE FOR: Corey Novick

MINUTES OF MEETING:

October 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2147 W. Thomas Street

NATURE OF REQUEST: Application for a variation to reduce the rear yard open space from the required 194.73 square feet to 115 square feet for a proposed rear one-story addition to the existing one-story, single family residence.

ACTION OF BOARD-

Continued to November 15, 2019 at 2:00 p.m.

THE VOTE

NOV 18 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
TIMOTHY KNUDSEN
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

[Signature]
CHAIRMAN

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

APPLICANT: 3505 Clark, Inc.
APPEARANCE FOR: Same as Applicant
APPEARANCE AGAINST: None
PREMISES AFFECTED: 3505 N. Clark Street

CAL NO.: 540-19-S

MINUTES OF MEETING:
 October 18, 2019

NATURE OF REQUEST: Application for a special use to establish an outdoor rooftop patio located on the roof of an existing restaurant.

**ACTION OF BOARD-
 APPLICATION APPROVED**

THE VOTE

NOV 18 2019
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

FARZIN PARANG
 ZURICH ESPOSITO
 SYLVIA GARCIA
 TIMOTHY KNUDSEN
 JOLENE SAUL
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 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 outdoor rooftop patio located on the roof of an existing restaurant; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the special use is issued solely to the applicant 3505 Clark, Inc.

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

APPROVED AS TO JURISDICTION


CHAIRMAN

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

APPLICANT: 3647-57 S. Indiana, LLC

CAL NO.: 541-19-S

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
October 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3649 S. Indiana Avenue

NATURE OF REQUEST: Application for a special use to establish residential use below the second floor for a proposed two-story, four dwelling unit building.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

NOV 18 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
TIMOTHY KNUDSEN
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		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 October 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-times on October 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 two-story, four dwelling unit 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 all building elevations are finished in face brick and the development is otherwise consistent with the design and layout of plans and drawings dated November 22, 2018, prepared by George Vazquez Architectural Designer.

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: 3647-57 S. Indiana, LLC

CAL NO.: 542-19-S

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
October 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3657 S. Indiana Avenue

NATURE OF REQUEST: Application for a special use to establish residential use below the second floor for a proposed two-story, four dwelling unit building.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

NOV 18 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
TIMOTHY KNUDSEN
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		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 October 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 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 two-story, four dwelling unit 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 all building elevations are finished in face brick and the development is otherwise consistent with the design and layout of plans and drawings dated November 22, 2018, prepared by George Vazquez Architectural Designer.

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

APPLICANT: Jennifer and Patrick Boyle

CAL NO.: 543-19-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
October 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4047 W. Warwick Avenue

NATURE OF REQUEST: Application for a variation to reduce the east side setback from the required 4.9' to 2.37' (west to be 13.58') combined side setback to be 15.95' for a proposed three-story addition in the rear of an existing three-story, single family residence.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

NOV 18 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
TIMOTHY KNUDSEN
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		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 October 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 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 side setback to 2.37' (west to be 13.58') combined side setback to be 15.95' for a proposed three-story addition in the rear of an existing three-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

APPLICANT: The Phillips Brand, LLC dba The Affair Room

CAL NO.: 544-19-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
October 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1929 W. 87th Street

NATURE OF REQUEST: Application for a variation to establish a public place of amusement license for a proposed banquet hall in an existing building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

NOV 18 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
TIMOTHY KNUDSEN
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		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 October 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 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 banquet hall in an existing building; a related special use to establish thirteen required off-site parking spaces at 1937-59 W. 87th Street was approved in Cal. No. 545-19-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: The Phillips Brand, LLC dba The Affair Room **CAL NO.:** 545-19-S

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
October 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1937-59 W. 87th Street

NATURE OF REQUEST: Application for a special use to establish thirteen required off-site parking spaces to serve a proposed banquet hall facility located at 1929 W. 87th Street.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

NOV 18 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
TIMOTHY KNUDSEN
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 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 thirteen required off-site parking spaces to serve a proposed banquet hall facility located at 1929 W. 87th Street; 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 The Phillips Brand, LLC dba The Affair Room.

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: Barber Greg, Inc.

CAL NO.: 546-19-S

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
October 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2151 W. Division Street

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

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

NOV 18 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
TIMOTHY KNUDSEN
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		
X		

THE RESOLUTION:

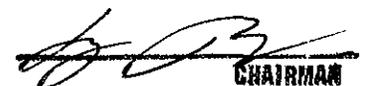
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 3, 2019; and

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; 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 Barber Greg, 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: Chareay Gavin dba Visionary Beauty and Barber Salon **CAL NO.:** 547-19-S

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
October 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 7759 S. Halsted Street

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

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

NOV 18 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
TIMOTHY KNUDSEN
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 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; 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, Chareay Gavin dba Visionary Beauty and Barber Salon.

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: Irony, LLC

CAL NO.: 548-19-A

APPEARANCE FOR: Stephen Malato

MINUTES OF MEETING:
October 18, 2019

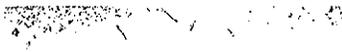
APPEARANCE AGAINST: None

PREMISES AFFECTED: 6854 W. Thorndale Avenue

NATURE OF REQUEST: Application for an appeal of the decision of the office of the Zoning Administrator in refusing to recognize 6854 W. Thorndale as a buildable lot.

ACTION OF BOARD-
Continued to November 15, 2019 at 2:00 p.m.

THE VOTE


NOV 18 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
TIMOTHY KNUDSEN
JOLENE SAUL
SAM TOIA

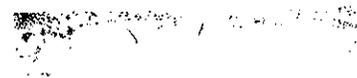
AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE


CHAIRMAN

ZONING BOARD OF APPEALS
CITY OF CHICAGO

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



JAN 17 2020

CITY OF CHICAGO
ZONING BOARD OF APPEALS

1524 DPW, LLC

APPLICANT

549-19-Z

CALENDAR NUMBER

1524 N. Dearborn Parkway

PREMISES AFFECTED

October 18, 2019

HEARING DATE

ACTION OF BOARD

THE VOTE

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

Farzin Parang, Chairman
Sylvia Garcia
Timothy Knudsen
Jolene Saul
Sam Toia

AFFIRMATIVE	NEGATIVE	ABSENT
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE VARIATION APPLICATION FOR 1524 N.
DEARBORN PARKWAY BY 1524 DPW, LLC**

I. BACKGROUND

1524 DPW, LLC (the "Applicant") submitted an application for a variation for 1524 N. Dearborn Parkway (the "subject property"). The subject property is zoned RM-5 and is improved with a three-story, two-dwelling unit building (the "existing building"). The Applicant proposed to renovate the subject property into a four-story, one-dwelling unit building (the "proposed home"). In order to permit the renovation for the proposed home, the Applicant sought a variation to reduce: (1) the north side setback from the required 2' to 0'; (2) the south side setback from 5' to 0'; (3) the combined side setback from 5' to 0'; and (4) the rear setback from 41.72' to 39.75'.

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 October 18, 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 managing member Mr. Phillip Ciaccio and

APPROVED AS TO SUBSTANCE

CHAIRMAN

its attorney Ms. Sara Barnes were present. The Applicant's architect Mr. Ramiel Kenoun was also present. Mr. John Mathias and Ms. Julia Mathias, both of 1522 N. Dearborn were also present. Testifying in opposition to the application was Mr. George Blakemore. With the exception of Mr. Blakemore, 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 Ms. Sara Barnes stated that the Applicant had met with Mr. and Ms. Mathias who were the neighbors next south of the subject property and had reached an agreement with them. She then submitted and the ZONING BOARD OF APPEALS accepted into the record a revised site plan for the proposed home (the "revised site plan"). She stated that due to concerns raised by Mr. and Ms. Mathias, the Applicant had agreed to set back the proposed rear addition from the south property line by 2', which she then indicated on the site plan. She stated that this would make the proposed rear addition compliant with the Chicago Zoning Ordinance with respect to the south side setback.

In response to questions by the ZONING BOARD OF APPEALS, Ms. Barnes stated that the Applicant still needed to reduce the south side setback to 0' because the existing building was currently nonconforming¹, and the Applicant needed to bring the existing building in compliance.²

She then stated that in addition to the revised site plan, the Applicant had also agreed to execute a restrictive covenant against the subject property which would memorialize the representations she had just made to the ZONING BOARD OF APPEALS as well as other representations made during the Applicant's discussions with Mr. and Ms. Mathias.

Ms. Barnes then explained the background of the subject property and the reasons for the application.

The Applicant presented the testimony of its managing member Mr. Phillip Ciaccio.

The Applicant presented the testimony of its architect Mr. Ramiel Kenoun.

In response to questions from the ZONING BOARD OF APPEALS, Ms. Barnes discussed the hardships that necessitated the requested variation. She then clarified what would be put in the restrictive covenant.

Mr. John Mathias testified that Ms. Barnes had accurately described the agreement he and Ms. Julie Mathias had reached with the Applicant.

Mr. Blakemore, address unknown, testified in objection to the application.

¹ As can be seen from the plat of survey and the site plans, the existing building is built on the south property line and therefore is built in the south side setback.

² Since the proposed addition will be increasing the extent of the existing building's nonconformity.

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.*

The existing building on the subject property is both currently nonconforming with respect to its side setbacks and is an orange-rated³ building. The subject property is located in both the National Register's Gold Coast Historic District and the City's Near North Historic Overlay District No. 1, and the subject property itself is subject to a preservation easement with Landmarks Illinois.⁴ As a result of this preservation easement, the subject property is bound by the guidelines of both the State of Illinois Historic Preservation Division and the City's Division of Historic Preservation with respect as to what improvements can be made to the subject property.⁵ In addition, as the existing building has functioned for the last 125 years as a multiunit building, the first floor is not connected to the second and third floor. Therefore, the Applicant's proposed plan of renovation for the subject property required not only compliance with both the State and the City's guidelines but also required internal reconfiguration of the existing building. Since State and City guidelines prevent alterations to the façade of a building⁶, any addition to the existing home would need to be set at the rear of the subject property. As Ms. Barnes explained, the internal reconfiguration of the existing building necessarily forced the building further into the rear of the subject property. All of these conditions create practical difficulties or particular hardships for the subject property if strict compliance with the regulations and standards of the Chicago Zoning Ordinance were required.

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

The requested variation and the corresponding renovation are consistent with the stated purpose and intent of the Chicago Zoning Ordinance, specifically by: (1) protecting the character of established residential neighborhoods pursuant to §17-1-0503 by preserving the residential nature of the subject property and by

³ As such term is used in the Chicago Historic Resources Survey.

⁴ The ZONING BOARD OF APPEALS takes judicial notice of such preservation easement as the easement is part of the public record and as such notice will aid in the efficient disposition of the Applicant's application.

⁵ See Section 13(c) of that certain preservation easement by and between LaSalle Bank National Association as trustee under Trust Agreement dated May 5, 1982 and known as Trust No. 55172 and Landmarks Preservation Council of Illinois dated as of December 9, 2002 and recorded with the Cook County Recorder of Deeds on December 12, 2002 as Document No. 0021414547.

⁶ The general rule of thumb is that any addition cannot alter a building façade and must be minimally visible from the street. The minimally visible from the street requirement may be seen in the letter from Landmarks Illinois to the Applicant submitted as part of the Applicant's proposed Findings of Fact.

ensuring that the subject property maintains the historic and unique residential character of both the Near North Historic Overlay District No. 1 and the Gold Coast Historic District; (2) maintaining orderly and compatible land use and development patterns pursuant to §17-1-0508 of the Chicago Zoning by ensuring that the proposed addition is consistent with the guidelines of both the State of Illinois' Historic Preservation Division and the City's Division of Historic Preservation; (3) promoting rehabilitation and reuse of older buildings pursuant to §17-1-0511; (4) ensuring adequate light, air, privacy and access to property as shown by the revised plans; (5) maintaining a range of housing choices and options pursuant to §17-1-0512 by allowing the Applicant to renovate the existing building so that Mr. Cicacco and his family can reside at the subject property; (6) promoting rehabilitation and reuse of older buildings pursuant to and (7) accommodating growth and development that complies with the preceding stated purposes of the Chicago Zoning Ordinance pursuant to §17-1-0514 by allowing for a renovation of a 125-year old historic building.

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 currently owns the subject property. The Applicant's managing (and sole) member Mr. Ciacco will reside at the subject property with his wife and their three children. Therefore, the ZONING BOARD OF APPEALS finds that reasonable return in this instance is properly measured in terms of the subject property's livability. The proposed variation will allow the existing building to become a renovated, functional home for Mr. Ciacco and his family.

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

The ZONING BOARD OF APPEALS finds that the particular hardships facing the subject property, namely the nonconforming and orange-rated existing building on the subject property, the subject property's location in both the National Register's Gold Coast Historic District and the City's Near North Historic Overlay District No. 1, the preservation easement recorded against the subject property to preserve certain aspects of the existing building and the fact that the first floor is not connected to the second and third floor of the existing

building, are unique to the subject property and are not generally applicable to other residential property in the City.

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

The ZONING BOARD OF APPEALS finds that the variation requested will preserve the essential character of the neighborhood as the variation will allow for a 125-year old historic property located in two historic districts to be renovated in accordance with the guidelines of both the State and City's historic preservation divisions. Moreover, from the site plans, the addition to the existing building will allow for an addition to the rear of the subject property that will permit the construction of a functional single-family home without interfering with either the streetscape or the adjacent properties.

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 nonconforming and orange-rated existing building on the subject property, the subject property's location in both the National Register's Gold Coast Historic District and the City's Near North Historic Overlay District No. 1, the preservation easement recorded against the subject property to preserve certain aspects of the existing building and the fact that the first floor is not connected to the second and third floor of the existing building result in particular hardship upon the Applicant. If the Applicant were required to strictly follow the regulations of the Chicago Zoning Ordinance, the Applicant would not be able to proceed with its plans for renovating the subject property and would not be able to turn the existing building into the proposed home. The ZONING BOARD OF APPEALS finds that this is more than mere inconvenience.

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

The ZONING BOARD OF APPEALS finds that the nonconforming and orange-rated existing building on the subject property, the subject property's location in both the National Register's Gold Coast Historic District and the City's Near North Historic Overlay District No. 1, the preservation easement recorded against the subject property to preserve certain aspects of the existing building and the

fact that the first floor is not connected to the second and third floor of the existing building are not conditions applicable, generally, to other property within the RM-5 zoning classification.

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

The purpose of the variation is so that Mr. Ciacco and his family can reside at the subject property. It is therefore 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.*

The nonconforming building on the existing property has not been created by the Applicant. The Applicant did not create the orange-rated designation on the subject property, the National Register's Gold Coast Historic District or the City's Near North Historic Overlay District No. 1. Further, the Applicant did not create the preservation easement and did not separate the first floor of the existing building from the second and third floors.

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 variations will allow a historic 125-year old building to be significantly renovated. The plans for renovation have been reviewed by both the State and the City's respective historic preservation divisions and as the renovation itself will follow all State and City guidelines, the unique and historical character of both the Gold Coast Historic District and the Near North Overlay District No. 1 will be protected. Therefore, granting the variation will not be detrimental to the public welfare or injurious to other property or improvements in either the Gold Coast Historic District or the Near North Overlay District No. 1.

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.*

Due to the condition imposed by the ZONING BOARD OF APPEALS, the variation will not impair an adequate supply of light and air to adjacent properties. The variation will still allow the subject property to provide more than the

required parking so the variation will not substantially increase congestion in the public streets. As no renovation to the existing building can proceed without a valid building permit, the proposed variation will not increase the danger of fire or endanger the public safety. Finally, as the Applicant will be investing \$800,000 in the subject property and as the renovation itself will preserve the unique and historical character of both the Gold Coast Historic District and the Near North Overlay District No. 1, the variation will not substantially diminish or impair 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 Applicant shall develop the proposed home in accordance with the revised site plan.

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: Tim Pomaville

CAL NO.: 327-19-Z

APPEARANCE FOR: Paul Kolpak

MINUTES OF MEETING:
October 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2438 N. Western Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from 30' to 2' for a proposed detached garage with roof with an attached rear open porch for access which will serve a proposed three-story, three dwelling unit building.

ACTION OF BOARD-
Continued to November 15, 2019 at 2:00 p.m.

THE VOTE

NOV 18 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
TIMOTHY KNUDSEN
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE


CHAIRMAN

ZONING BOARD OF APPEALS
CITY OF CHICAGO

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



JAN 17 2020
CITY OF CHICAGO
ZONING BOARD OF APPEALS

Johnnie Blue, Inc.
APPLICANT

341-19-Z
CALENDAR NUMBER

2619 W. Lawrence Avenue
PREMISES AFFECTED

**July 19, 2019 &
October 18, 2019**
HEARING DATES

ACTION OF BOARD

THE VOTE

The application for the variation is approved.

	AFFIRMATIVE	NEGATIVE	ABSENT
Farzin Parang, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sylvia Garcia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Timothy Knudsen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jolene Saul	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<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 2619 W.
LAWRENCE AVENUE BY JOHNNIE BLUE, INC.**

I. BACKGROUND

Johnnie Blue, Inc. (the "Applicant") submitted an application for a variation for 2619 W. Lawrence (the "subject property"). The subject property is zoned B3-2 and is improved with a two-story building (the "building"). The Applicant operated a restaurant on the ground floor of the building (the "existing restaurant"). The Applicant proposed to establish a public place of amusement (a "PPA") for the restaurant. The Applicant therefore sought a variation to establish a PPA within 125' of a residential zoning 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 July 19, 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 October 18, 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 president and secretary Mr. Juan Gomez was present at both hearings. The Applicant's

APPROVED AS TO SUBSTANCE

CHAIRMAN

attorney Mr. Elliot Jessop was present at the October 18, 2019 hearing. Testifying in opposition to the application at the July 19, 2019 hearing were Mr. Rob Civitello, Ms. Katherine Diehl, Ms. Neda Svaric and Mr. Taus Lozano (collectively, the "Objectors"). Mr. Geoffery Cabbage from the office of 40th ward alderman Alderman Vasequez 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 Applicant opened the July 19, 2019 hearing by presenting the testimony of Mr. Juan Gomez.

Mr. Rob Civitello, of 2623 W. Lawrence (i.e., the property next west of the subject property) testified in opposition to the application.

Ms. Katherine Diehl, also of 2623 W. Lawrence, testified in opposition to the application.

Ms. Neda Svaric, also of 2623 W. Lawrence, testified in opposition to the application.

Mr. Taus Lozano, also of 2623 W. Lawrence, testified in opposition to the application.

Mr. Geoffrey Cabbage testified in opposition to the application. He testified that the Objectors had reached out to the Alderman's office and, in turn, the Alderman's office had reached out to the Chicago Police Department ("CPD"). He testified the Alderman's office learned from CPD that there had been thirty-nine (39) calls to the subject property within the past year. He testified that this was significant enough for the Alderman's office to reach out to the Applicant. He testified that the Alderman's office wanted to work with CPD as well as the City of Chicago's (the "City") Department of Business Affairs and Consumer Protection ("BACP") to see if some of the Objectors' concerns with respect to the Applicant's existing restaurant could be resolved before the Applicant went any further with its request for a PPA. He testified that the Alderman had called the Applicant several times but had only recently gotten ahold of someone from the Applicant.

In response to this, Mr. Gomez provided further testimony. He testified that he was willing to work with the Objectors and the Alderman to see if the Objectors' concerns with respect to the existing restaurant could be resolved.

Ms. Diehl provided further testimony.

The ZONING BOARD OF APPEALS stated that it would continue the hearing for three months so that the Applicant, the Objectors and the Alderman could have dialogue. The ZONING BOARD OF APPEALS advised the Objectors that if they continued to have concerns with the existing restaurant to call BACP as that was the City department tasked to field such concerns. The ZONING BOARD OF APPEALS then stated that the hearing on the Applicant's application was continued until October 18, 2019.

On October 18, 2019, the Applicant's attorney Mr. Elliot Jessop submitted to and the ZONING BOARD OF APPEALS accepted into the record a letter from the Alderman withdrawing the Alderman's objection to the application.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Gomez provided further testimony. He also submitted and the ZONING BOARD OF APPEALS accepted into the record invoices for and photographs of the soundproofing system the Applicant had installed at the existing restaurant.

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 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.*

Mr. Gomez testified that he would like the Applicant to provide family entertainment, such as live music and live comedy while the Applicant's clients ate. He testified that he would also like the Applicant to show sporting events at the existing restaurant. He testified that the Applicant has to have the ability to charge a cover for such sporting events, live comedy and live music. All of these activities require that a PPA to be established at the subject property. Ordinarily, this would involve the Applicant simply applying for a PPA through BACP. However, because the subject property is within 125' of a residential zoning district, strict compliance with the regulations and standards of the Chicago Zoning Ordinance would require that the Applicant be denied the ability to apply for a PPA through BACP. This is a practical difficulty or particular hardship for the Applicant, in that most businesses in the City can have establish a PPA as of right but that the Applicant – due to the subject property's proximity to a residential zoning district – cannot establish one without the requested variation.

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

The requested variation is consistent with the stated purpose and intent of the Chicago Zoning Ordinance, specifically by: (1) preserving the overall quality of life for residents and visitors pursuant to § 17-1-0502 by allowing the Applicant to provide live music, live comedy and other entertainment options at the existing restaurant; (2) maintaining economically vibrant as well as attractive businesses and commercial areas pursuant to § 17-1-0504 by ensuring that the Applicant's existing restaurant remains competitive with the rest of the commercial strip (as West Lawrence is a commercial strip at this location); and (3) maintaining orderly and compatible land use and development patterns pursuant to § 17-1-0508 due to the Applicant's extensive soundproofing of the existing restaurant and control of loitering outside of the existing restaurant.

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.*

The Applicant requires the PPA in order to be competitive in the area. As Mr. Gomez testified, due to the bakery on the corner and a breakfast place adjacent to the subject property, opening the existing restaurant for breakfast and lunch was unsuccessful. Therefore, the existing restaurant only operates for dinner. However, there are two bars in the immediate area. The Applicant requires the PPA in order to be competitive with these two bars as it is at a disadvantage without it. As the Applicant cannot obtain a PPA without the requested variation, the subject property cannot yield a reasonable return if permitted to be used only in accordance with 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.*

The practical difficulties or particular hardships in this case are due to the unique circumstances of the subject property being within 125' of a residential zoning district. Such a circumstance is not generally applicable to other commercial property as most other commercial property can establish a PPA simply by applying with BACP. In other words, most businesses operating on commercial property can establish a PPA as of right and without a variation from the ZONING BOARD OF APPEALS.

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

The ZONING BOARD OF APPEALS finds that the variation requested will not alter the essential character of the neighborhood. This portion of West Lawrence is a commercial strip. As Mr. Gomez testified, there are two other bars along this portion of West Lawrence. The Applicant has extensively soundproofed the existing restaurant and has controlled loitering outside the existing restaurant. This will ensure that the PPA will not disturb the adjacent properties (particularly those residences above the ground floor at 2623 W. Lawrence) or the residential zoning district across the alley from the subject property.¹

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

¹ No residents from the residential zoning district appeared at either hearing.

makes the following findings with reference to the Applicant's application for variations pursuant to Section 17-13-1107-C of the Chicago Zoning Ordinance:

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

The proximity of the residential zoning district to the subject property is a physical surrounding that results in particular hardship upon the Applicant as such proximity makes it impossible for the Applicant to obtain a PPA if the strict letter of the Chicago Zoning Ordinance were carried out.

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

The subject property is located in a B3-2 zoning district. Most property within a B3-2 zoning district is not within 125' of a residential zoning district and therefore most property within a B3-2 zoning district would be able to establish a PPA as of right. Therefore, the conditions upon which the petition for the Applicant's variation is based (i.e., the subject property's proximity to a residential zoning district) is not applicable, generally, to other property within a B3-2 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 variation is so that the Applicant can provide additional entertainment amenities to its clients. It is therefore 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 subject property's owner created the subject property's proximity to a residential zoning district. The subject property's proximity to a residential zoning district is solely the creation of the City Council.

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.*

Due to the extensive soundproofing the Applicant has installed at the existing restaurant, granting 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. In addition, Mr. Gomez testified that he has been controlling loitering outside the Applicant's existing restaurant.

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 allow the Applicant to establish a PPA so the Applicant can have live music (with or without cover), live comedy (with or without cover) and charge cover for sporting events and thus it will not impair an adequate supply of light and air to adjacent properties or increase the danger of fire. As Mr. Gomez will control loitering in front of the Applicant's existing restaurant, the variation will not increase congestion in the public streets and will not endanger the public safety. Due to the soundproofing the Applicant has installed, the variation will not diminish or impair 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 the Zoning Administrator is authorized to permit said variation.

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

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

APPLICANT: Chi Partners, LLC 2711 Washtenaw Series

CAL NO.: 359-19-Z

APPEARANCE FOR: Paul Kolpak

MINUTES OF MEETING:
October 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2711 N. Washtenaw Avenue

NATURE OF REQUEST: Application for a variation to reduce the minimum lot area from the required 4,000 square feet to 3,893 square feet to add a fourth dwelling unit to an existing three-story, three dwelling unit building.

ACTION OF BOARD- Two votes for and two against. Pursuant to *Melrose Park National Bank v. Zoning Board of Appeals of the City of Chicago*, matter is continued to November 15, 2019 at 2:00 PM for vote by fifth board member.

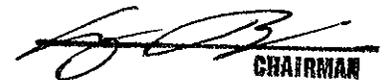
THE VOTE

NOV 18 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
TIMOTHY KNUDSEN
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
	X	
		X
X		
	X	
X		
		X

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Chi Partners, LLC 2711 Washtenaw Series

CAL NO.: 360-19-Z

APPEARANCE FOR: Paul Kolpak

MINUTES OF MEETING:

October 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2711 N. Washtenaw Avenue

NATURE OF REQUEST: Application for a variation to reduce the required off-street parking from four to three spaces for the proposed addition of a fourth dwelling unit in an existing three-story, three dwelling unit building.

ACTION OF BOARD- Two votes for and two against. Pursuant to *Melrose Park National Bank v. Zoning Board of Appeals of the City of Chicago*, matter is continued to November 15, 2019 at 2:00 PM for vote by fifth board member.

THE VOTE

NOV 18 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
TIMOTHY KNUDSEN
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
	X	
		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



FEB 24 2020
CITY OF CHICAGO
ZONING BOARD OF APPEALS

Chi Partners, LLC 2711 Washtenaw Series

APPLICANT

359-19-Z &

360-19-Z

CALENDAR NUMBERS

2711 North Washtenaw Avenue

PREMISES AFFECTED

October 18, 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"/>
Sylvia Garcia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Timothy Knudsen	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jolene Saul	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<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 2711 N.
WASHTENAW AVENUE BY CHI PARTNERS, LLC 2711 WASHTENAW
SERIES.**

I. BACKGROUND

Chi Partners, LLC 2711 Washtenaw Series (the "Applicant") submitted two variation applications for 2711 N. Washtenaw (the "subject property"). The subject property is currently zoned RT-4 and is currently improved with a three-story, three dwelling unit building (the "existing building"). The Applicant proposed to construct a fourth dwelling unit (the "fourth unit") by deconverting the four-bedroom duplex unit (the "duplex unit") into two smaller units. In order to make these improvements, the Applicant sought two variations. The first variation sought to reduce the minimum lot area from the required 4,000 square feet to 3,893 square feet. The second variation sought to reduce the required off-street parking from four spaces to three spaces.

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 October 18, 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 pursuant to Section 17-13-0108-A of the Chicago Zoning Ordinance. In accordance with the ZONING BOARD OF APPEALS' Rules of

APPROVED AS TO SUBSTANCE



CHAIRMAN

Procedure, the Applicant had submitted its proposed Findings of Facts. The Applicant's managing member and architect Mr. Peter Sterniuk along with its attorney Mr. Paul Kolpak were present. Testifying in opposition to the applications were Ms. Kate Slattery, Ms. Alice Vila, Mr. John Parizek and Ms. Carolyn Fortman (together, the "Objectors"). The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

Mr. Paul Kolpak motioned for both applications to be heard simultaneously. The ZONING BOARD OF APPEALS granted the motion. Mr. Kolpak provided an overview of the Applicant's applications. In response to questions from the Zoning Board of Appeals, Mr. Kolpak provided further clarification as to the Applicant's applications.

The Applicant presented the testimony of its managing member and architect Mr. Peter Sterniuk.

Ms. Kate Slattery, of 2138 North Spaulding, testified in opposition to the applications.

Ms. Alice Vila, of 2632 North Washtenaw, testified in opposition to the applications.

Mr. John Parizek, of 2623 Washtenaw, testified in opposition to the applications.

Ms. Carolyn Fortman, of 2740 North Richmond, testified in opposition to the applications.

In response to the statements of the objectors Mr. Sterniuk provided further testimony.

After the conclusion of the hearing, Commissioners Garcia and Saul voted in favor of approving the applications. Commissioners Knudsen and Parang voted against such approval. In accordance with section 11-13-3(e) of the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*, and the Illinois appellate court's holding in *Melrose Park National Bank v. Zoning Board of Appeals of the City of Chicago*, 79 Ill.App.3d 56 (1st. Dist. 1979), the ZONING BOARD OF APPEALS then continued the matter¹ so that the ZONING BOARD OF APPEALS absent member could read the transcript of the hearing and vote on the applications. At the ZONING BOARD OF APPEALS regular meeting of November 15, 2019, Commissioner Toia (after averring that he had read the transcript of the hearing) voted against approving the applications.

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

¹ Without further without further notice pursuant to Section 17-13-0108-A of the Chicago Zoning Ordinance.

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. The Applicant's sole argument to support that strict compliance with the Chicago Zoning Ordinance would create practical difficulties or particular hardships for the subject property is that the subject property is 107 square feet short of allowing the Applicant to

build a fourth unit. The Applicant characterizes its particular hardship as a deprivation of its land use entitlement held by owners of similarly-situated and similarly-zoned property. During the hearing, the Applicant argued that its hardship was an inability to build to the maximum limits allowed by RT-4. An inability to build the maximum number of units on a given property constitutes neither a practical difficulty nor a particular hardship.²

To the extent that the difficulty or hardship to the subject property is the lack of reasonable return on the existing building if the Applicant is not allowed to convert the duplex unit into two smaller units, the Applicant has not provided sufficient evidence to support such an argument. The ZONING BOARD OF APPEALS does not find credible Mr. Sterniuk's testimony that there is no market demand in the area for a four-bedroom unit for \$3,700 per month rent. The Applicant provides no corroborating evidence to support such contention. Mr. Sterniuk's testimony as to the rental prospects of the duplex unit consisted of vague, unsupported assumptions regarding the future. In response to the ZONING BOARD OF APPEALS' question as to whether Mr. Sterniuk had any issues renting the duplex unit, Mr. Sterniuk simply testified that renting such "will be tricky in the future." However, according to his own testimony Mr. Sterniuk has successfully and continuously rented the duplex unit without interruption since 2016 when the existing building was constructed. Furthermore, Mr. Sterniuk testified that the deconversion of the duplex unit to "something cheaper or smaller . . . would be a safer investment for [him]." The ZONING BOARD OF APPEALS does not find that safety of the Applicant's investment constitutes a practical difficulty or particular hardship.

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

² 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.

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.*

Much of Mr. Sterniuk's testimony demonstrates that the subject property has and will continue to provide a reasonable return without the variations. Mr. Sterniuk testified that the duplex unit has been rented by the same tenants since the completion of the existing building. In fact, it is unclear from Mr. Sterniuk's own testimony when (or if) these tenants will leave.³ Though Mr. Sterniuk testified that one of the tenants of the duplex would be interested in one of the deconverted units "if the rest of the guys leave," Mr. Sterniuk also testified that he was willing to rent to the duplex tenants "for longer" and that he "won't kick them out." It is apparent that the duplex unit has provided a reasonable return for the Applicant since the completion of the existing building and Mr. Sterniuk's testimony strongly suggests that it will continue to do so.

In contrast, the Applicant has provided no evidence to show that the subject property cannot yield a reasonable return without the variations. Mr. Sterniuk provided limited and vague testimony as to the effect of an increase in property taxes. Though he testified that two of his properties in Logan Square experienced a significant increase in property taxes, he provided no testimony as to any relationship between those unnamed properties and the subject property. Mr. Sterniuk provided no evidence that the subject property experienced any increase in taxes. His testimony merely stated that taxes on the subject property were now over \$19,000 and did not indicate whether and to what extent this was an increase. The record is bereft of any evidence as to the Applicant's rate of return. In fact, the only evidence in the record as to the Applicant's costs is Ms. Fortman's credible and unrefuted testimony that the Applicant's purchase price for the subject property was \$79,000 in 2011.

³ While Mr. Sterniuk originally testified that the tenants had announced their intention to leave, his later testimony indicated that he was unsure if the tenants would leave.

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 RT-4 zoning district constituted difficulty or hardship, there are no unique circumstances in the instant case that cause such difficulties or circumstances. The Applicant argues that the atypical shape of the subject property creates practical difficulties or particular hardship. However, the subject property is significantly oversized. The ZONING BOARD OF APPEALS takes judicial notice that a standard lot in Chicago is 25' in width by 125' in depth, for a total area of 3,125 square feet. The subject property measures 3,893 square feet. The Applicant has offered no evidence to establish why the oversized lot area of the subject property does not eliminate any difficulty or hardship that arises from the atypical shape.

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 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. Furthermore, though the Applicant asserts on its proposed Findings of Fact that the "[v]ast majority of properties on the block and within 300 feet have multi-unit buildings with very minimal lot areas" and that there are "12 multi-unit buildings [in the area] which have 4 to 16 dwelling units," the Applicant provided no evidence to indicate whether any of those multi-unit buildings had parking reductions.

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 oversized, exceeding a standard-sized Chicago lot by 768 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 RT-4 zoning district. This desire is applicable to every other property within the RT-4 zoning district, 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. As Mr. Kolpak stated, the variations will allow the Applicant to increase monthly rental income by \$400 by increasing the number of dwelling units in the existing building to the maximum allowed had the subject property not experienced an eminent domain taking. The ZONING BOARD OF APPEALS does not find credible the Applicant's argument that it needs the fourth unit to realize a reasonable return. Likewise, the ZONING BOARD OF APPEALS does not find credible the Applicant's assertion that the duplex unit is unmarketable.

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. Though the Applicant had no part in the eminent domain taking that resulted in a decrease of lot area, the subject property is oversized. To the extent that the Applicant's inability to build the maximum number of units permitted by the RT-4 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. As Mr. Kolpak stated during the hearing, the Applicant knew prior to its purchase of the subject property that the subject property had experienced an eminent domain taking around the 1950s. As such, the Applicant knew prior to purchase that the subject property had substandard depth and that it could only build three dwelling units. Despite this knowledge, the Applicant built the existing building with three dwelling units and rented it with no issue for three years. For the Applicant to now claim that its lack of ability to build the fourth unit is a hardship or difficulty is disingenuous and is solely attributable to its own actions.

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 at the hearing before the ZONING BOARD OF APPEALS. The Applicant also failed to adequately address this criterion in its proposed Findings of Fact as it provided solely conclusory statements. 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 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 at the hearing before the ZONING BOARD OF APPEALS. The Applicant also failed to adequately address these criteria in its proposed Findings of Fact as it provided solely conclusionary statements. As such, the ZONING BOARD OF APPEALS finds that the Applicant did not present any evidence as to this criterion.

The ZONING BOARD OF APPEALS finds the objectors' testimony credible as to the increased congestion that would result from granting the variations. As Ms. Vila and Mr. Parizek credibly testified, parking in the area is currently congested due to school and soccer activities across the street from the subject property. Granting the variations would exacerbate the dearth in parking.

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: Kriser's Feeding Pets for Life, LLC

CAL NO.: 376-19-S

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
October 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3649 N. Western Avenue

NATURE OF REQUEST: Application for a special use to establish an animal shelter /boarding, animal training / day care facility.

ACTION OF BOARD-
Continued to November 15, 2019 at 2:00 p.m.

THE VOTE

NOV 18 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
TIMOTHY KNUDSEN
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Oakley 23, LLC **CAL NO.:** 390-19-Z
APPEARANCE FOR: Thomas Moore **MINUTES OF MEETING:**
October 18, 2019
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2354-58 S. Oakley Avenue

NATURE OF REQUEST: Application for a variation to reduce the parking requirement from one stall to zero for two new live / work units located on the ground floor of an existing three-story building with nine dwelling units.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

NOV 18 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
TIMOTHY KNUDSEN
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		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 October 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 4, 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 parking requirement to zero for two new live / work units located on the ground floor of an existing three-story building with nine dwelling units; 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: 1913 N. Halsted Inc.

CAL NO.: 407-19-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
October 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1913 N. Halsted Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 39.3' to 32' for a proposed four-story, two dwelling unit building.

ACTION OF BOARD-
Continued to November 15, 2019 at 2:00 p.m.

THE VOTE

NOV 18 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
TIMOTHY KNUDSEN
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: 1913 N. Halsted Inc.

CAL NO.: 408-19-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
October 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1913 N. Halsted Street

NATURE OF REQUEST: Application for a variation to establish a new curb cut to serve a proposed four-story, two dwelling unit building.

ACTION OF BOARD-
Continued to November 15, 2019 at 2:00 p.m.

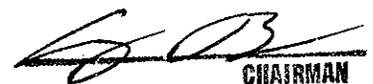
THE VOTE

NOV 18 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
TIMOTHY KNUDSEN
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: JYM Investments, LLC

CAL NO.: 413-19-S

APPEARANCE FOR: Paul Kolpak

MINUTES OF MEETING:
October 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2321 W. Howard Street

NATURE OF REQUEST: Application for a special use to establish a one-lane drive through to serve a proposed one-story, restaurant.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

NOV 18 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
TIMOTHY KNUDSEN
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on August 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 one-lane drive through to serve a proposed one-story, restaurant; 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 JYM Investments, LLC, and the development is consistent with the design and layout of the plans and drawings dated March 26, 2019, including the site and landscape plans dated September 26, 2019, all prepared by Thomas Buckley 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: 1932 N. Fremont, LLC

CAL NO.: 419-19-Z

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:
October 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1932 N. Fremont Street

NATURE OF REQUEST: Application for a variation to reduce the south side setback from the required 2' to 1' (north side to be 3'), combined side setback from 5' to 4' for a proposed three-story, single family residence.

ACTION OF BOARD-
Application Withdrawn

THE VOTE

NOV 18 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
TIMOTHY KNUDSEN
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Moonlight Studios, Inc.

CAL NO.: 457-19-S

APPEARANCE FOR: John Escobar

MINUTES OF MEETING:
October 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1455 W. Hubbard Street

NATURE OF REQUEST: Application for a special use to establish an accessory off-site parking lot with seventeen required parking spaces to serve a proposed industrial private event space located at 1446 W. Kinzie Street.

ACTION OF BOARD-
Continued to December 20, 2019 at 2:00 p.m.

THE VOTE

NOV 18 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
TIMOTHY KNUDSEN
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Moonlight Studios, Inc.

CAL NO.: 458-19-Z

APPEARANCE FOR: John Escobar

MINUTES OF MEETING:
October 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1455 W. Hubbard Street

NATURE OF REQUEST: Application for a variation to establish shared parking for seventeen parking spaces for non-residential use with different peak hours to accommodate the required parking for a proposed industrial private event space located at 1446 W. Kinzie Street.

ACTION OF BOARD-
Continued to December 20, 2019 at 2:00 p.m.

THE VOTE

NOV 18 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
TIMOTHY KNUDSEN
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Gino Battaglia

CAL NO.: 465-19-Z

APPEARANCE FOR: Dean Maragos

MINUTES OF MEETING:
October 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1740 N. Milwaukee Avenue

NATURE OF REQUEST: Application for a variation to reduce the required total off-street parking spaces from the required one to zero for a proposed artist live/ work space on the third floor of an existing three-story, mixed use building.

ACTION OF BOARD-

Continued to November 15, 2019 at 2:00 p.m.

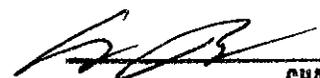
THE VOTE

NOV 18 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
TIMOTHY KNUDSEN
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Mateusz Jasinski **CAL NO.:** 480-19-Z
APPEARANCE FOR: Thomas Moore **MINUTES OF MEETING:**
October 18, 2019
APPEARANCE AGAINST: None
PREMISES AFFECTED: 6167 N. Overhill Avenue

NATURE OF REQUEST: Application for a variation to reduce rear setback from the required 8.17' to 3.08' for a proposed one-story addition to the side of an existing one-story, single family residence.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

NOV 18 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
ZURICH ESPOSITO
SYLVIA GARCIA
TIMOTHY KNUDSEN
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		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 October 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 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 rear setback to 3.08' for a proposed one-story addition to the side of an existing one-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: Mateusz Jasinski **CAL NO.:** 480-19-Z
APPEARANCE FOR: Tyler Manic* **MINUTES OF MEETING:**
October 18, 2019
APPEARANCE AGAINST: None
PREMISES AFFECTED: 6167 N. Overhill Avenue

NATURE OF REQUEST: Application for a variation to reduce rear setback from the required 8.17' to 3.08' for a proposed one-story addition to the side of an existing one-story, single family residence.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

NOV 18 2019
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

FARZIN PARANG
 ZURICH ESPOSITO
 SYLVIA GARCIA
 TIMOTHY KNUDSEN
 JOLENE SAUL
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		
		X

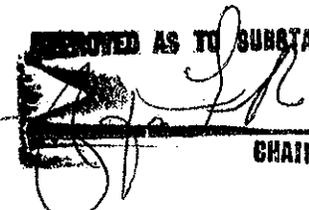
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 5, 2019; and

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 rear setback to 3.08' for a proposed one-story addition to the side of an existing one-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 error

APPROVED AS TO SUBSTANCE

CHAIRMAN