

APRIL 19, 2019

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



JUL 22 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

Barbara and Stanislaw Pluta

APPLICANTS

182-19-Z

CALENDAR NUMBER

1755-57 N. Wolcott Avenue

PREMISES AFFECTED

April 19, 2019

HEARING DATE

ACTION OF BOARD

THE VOTE

The application for the variation is denied.

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

**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE VARIATION APPLICATIONS FOR 1755-57 N.
WOLCOTT AVENUE BY BARBARA AND STANISLAW PLUTA.**

I. BACKGROUND

Barbara and Stanislaw ("Stanley") Pluta (the "Applicants") submitted a variation application for 1755-57 N. Wolcott Avenue. The subject property is currently zoned RS-3 and is currently improved with three (3) nonconforming multi-residential buildings. The Applicants proposed to demolish these buildings in order to construct a new single-family home (the "proposed home") and garage (the "proposed garage"). To permit the proposed home, the Applicants sought a variation to reduce: (1) the rear setback from the required 33.88' to 0'; (2) the north side setback from 4.48' to 0'; (3) the south side setback from 4.48' to 0'; and (4) the combined side setback from 11.2' to 0'.

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 April 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*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure, the Applicants had submitted their proposed Findings of Fact. The Applicants Mr. Barbara and Stanislaw Pluta along with their attorney Mr. Mark Kupiec were present. The Applicants' architect Mr. John

APPROVED AS TO SUBSTANCE


CHAIRMAN

Hanna and their MAI-certified real estate appraiser Mr. Joseph M. Ryan was also present. Testifying in opposition to the application was Mr. Paul Sajovec. Mr. Sajovec was chief of staff to Alderman Scott Waguespeck (the "Alderman"). The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

The attorney for the Applicants Mr. Mark Kupiec provided a brief overview of the Applicants' proposed variation.

The Applicants presented the testimony of Mr. Stanley Pluta.

The Applicants presented the testimony of their architect Mr. John Hanna.

The Applicants then submitted and the ZONING BOARD OF APPEALS accepted into the record a new plan of the Applicants' proposed home.

The Applicants then presented further testimony of Mr. Pluta.

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

The Applicants presented the testimony of Mrs. Barbara Pluta.

The Applicants presented further testimony of Mr. Hanna.

The Applicants presented the testimony of their MAI certified real estate appraiser Mr. Joseph M. Ryan.

Mr. Paul Sajovec testified in opposition to the application.

In response to Mr. Sajovec's testimony, Mr. Ryan and Mr. Pluta provided further testimony.

In response to their testimony, Mr. Sajovec 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 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 Applicants' proposed Findings of Fact, the ZONING BOARD OF APPEALS hereby makes the following findings with reference to the Applicants' application for a variation pursuant to Section 17-13-1107-A of the Chicago Zoning Ordinance:

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

The Applicants have requested the variation so that they can attach the proposed home to the proposed garage by way of a partially below-grade breezeway in order to provide privacy from the 606 Trail¹ when walking from the proposed garage to the proposed house. That is the only reason for the variation. Strict compliance with the regulations and standards of the Chicago Zoning Ordinance therefore does not create practical difficulties or particular hardships for the subject property. Having to walk outside from one's home to one's detached

¹ Formerly the Bloomingdale Trail.

garage while in view of the 606 Trail is not a practical difficulty or particular hardship.

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

The requested variation does not protect the character of established residential neighborhoods pursuant to Section 17-1-503 of the Chicago Zoning Ordinance. As Mr. Sajovec very credibly testified, the requested variation is not consistent with the character of the residential neighborhoods in the 32nd Ward as it allows for a connection between the proposed home and the proposed garage.

Further, pursuant to Section 17-1-0513 of the Chicago Zoning Ordinance, the purpose and intent of the Chicago Zoning Ordinance is to “establis[h] clear and efficient development review and approval procedures.” One such procedure is the requirement that the ZONING BOARD OF APPEALS may not approve a variation unless it makes findings, based on the evidence submitted to it in each case, that strict compliance with the regulations and standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships for the subject property. Since the ZONING BOARD OF APPEALS declines to find that strict compliance with the regulations and standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships for the subject property, the requested variation is also not consistent with the Chicago Zoning Ordinance’s clear and efficient development review and approval procedures.

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

1. *The property in question can yield a reasonable return if permitted to be used only in accordance with the standards of the Chicago Zoning Ordinance.*

Mr. Pluta testified that he paid \$1,700,000 for the subject property in 2015. The subject property is currently improved with three multi-residential dwelling units. Further, nothing about the Applicants’ proposed home requires a variation *except* for the breezeway to attach it to the proposed garage. The subject property can, therefore, yield a reasonable return if permitted to be used only in accordance with the standards of the Chicago Zoning Ordinance.

2. *To the extent there are practical difficulties or particular hardships, they are not due to unique circumstances and are generally applicable to other similarly situated property.*

The Applicants applied for the variation because they wish to attach the proposed home to the proposed garage via a breezeway. To the extent that this wish can be considered a practical difficulty or particular hardship (which, it should be noted, the ZONING BOARD OF APPEALS does not consider it to be a practical difficulty or particular hardship²), such a wish is not due to unique circumstances. Instead, such a wish is generally applicable to all other property improved with single-family residences as most property owners would like the convenience of a breezeway between their home and the garage. And, as set forth in further detail below, the ZONING BOARD OF APPEALS does not find that the subject property's proximity to the 606 Trail creates any practical difficulty or particular hardship.

3. *The Applicant failed to prove that the variation, if granted, will not alter the essential character of the neighborhood.*

The ZONING BOARD OF APPEALS did not consider the evidence submitted by the Applicants to be sufficient as to this criterion. Mr. Hanna's exhibit did not distinguish between properties that had breezeways and roofdecks, which the ZONING BOARD OF APPEALS finds particularly disingenuous as the Applicants were not requesting a variation for the proposed garages' roofdeck. The ZONING BOARD OF APPEALS Mr. Hanna's exhibit showing side setbacks in the neighborhood also disingenuous as it only showed side setback reductions – not side setback reductions for breezeways.

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

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

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 Applicants' convenience.

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 Applicants. While the subject property is slightly shorter than a standard City lot, from the survey it is clear that the subject property is an oversized double lot.³ Therefore, there is no hardship with respect to lot size. There is also no hardship with respect to the subject property's proximity to the 606 Trail. Mr. Pluta testified that he found the 606 Trail produced quite a bit of noise; however, the ZONING BOARD OF APPEALS fails to see how "noise" is a particular hardship with respect to a breezeway – especially as the proposed garage has an unenclosed roofdeck. Similarly, the ZONING BOARD OF APPEALS fails to find safety and privacy concerns stemming from the 606 Trail to be a particular hardship. The ZONING BOARD OF APPEALS finds the Applicants' arguments with respect to safety and privacy to be not credible, especially as Mr. Pluta conceded that the 606 Trail is an amenity. Furthermore, if the Applicants truly felt proximity to the 606 Trail created safety and privacy concerns, they would not move to a property close to it – especially as they currently live close to it.

2. *The conditions upon which the petition for the variation is based would be applicable, generally, to other property within the same zoning classification.*

The Applicants testified that they desired the requested variation for privacy and safety. However, the desire for privacy and safety are conditions that are applicable, generally, to other property within a RS-3 zoning classification. Generally, homeowners wish for their homes to have adequate privacy and adequate safety.

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

The Applicants' stated reason for the requested variation is based upon noise, privacy and security concerns stemming from the subject property's proximity to the 606 Trail. However, the proposed breezeway only addresses these concerns during the times when the Applicants are walking from the proposed garage to the proposed home. The plan for the subject property includes an unenclosed garage roofdeck, which would be exposed to any of the concerns that the Applicants name as reasons for their requested variation. That the Applicants would be concerned about security, noise and privacy during the relatively short walk from the proposed garage to the proposed home and not during the longer time they

³ As Mr. Sajovec accurately testified, a standard City lot is 125' x 25'. Thus a standard City lot's lot area is 3125 square feet. The subject property is 121' x 56'. It therefore has a lot area of 6,776 square feet – more than double the lot area of a standard City lot.

would spend on the roof deck is inconsistent and disingenuous which suggests that the purpose of the variation is based exclusively upon a desire to make more money from the property.

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

The subject property is currently improved with three multi-unit residential structures. The Applicants have chosen to demolish these structures so that they can erect the proposed home and proposed garage. As the Applicants chose a design that attached the proposed home and proposed garage by way of a breezeway, the alleged practical difficulty or particular hardship has been created by the Applicants.

IV. CONCLUSION

For all of these reasons, the ZONING BOARD OF APPEALS finds that the Applicants have not proved their case by evidence, testimony and the entire record, including the Applicants' 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 Applicants' application for a variation.

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

APPLICANT: Stocking Urban, LLC

CAL NO.: 183-19-S

APPEARANCE FOR: Bernard Citron

MINUTES OF MEETING:
April 19, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4510-20 N. Ravenswood Avenue

NATURE OF REQUEST: Application for a special use to establish an indoor sports and recreation use (6,720 square foot gymnasium) within an existing 13,785 square foot building.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE



MAY 20 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 19, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish an indoor sports and recreation use (6,720 square foot gymnasium) within an existing 13,785 square foot 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 Stocking Urban, LLC.

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

APPROVED AS TO SUBSTANCE

[Signature]
CHAIRMAN

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

APPLICANT: Eagle Eye Nesting Ground Ministries, Inc.

CAL NO.: 184-19-S

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
April 19, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 901-07 E. 75th Street

NATURE OF REQUEST: Application for a special use to establish a religious assembly in an existing one-story building with six new unenclosed onsite parking stalls.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE



MAY 20 2019

**CITY OF CHICAGO
ZONING BOARD OF APPEALS**

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
		X

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 19, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 5, 2019; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated January 8, 2019, prepared by the applicant.

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

APPROVED AS TO SUBSTANCE

[Signature]
CHAIRMAN

APPLICANT: 1407-1411 S. Michigan, LLC

CAL NO.: 185-19-S

APPEARANCE FOR: Tyler Manic

MINUTES OF MEETING:
April 19, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1407-11 S. Michigan Avenue

NATURE OF REQUEST: Application for a special use to establish a non-accessory public garage with ninety-seven parking spaces within a mixed use building.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE



MAY 20 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

THE RESOLUTION:

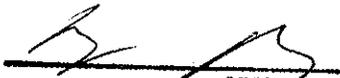
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 19, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a non-accessory public garage with ninety-seven parking spaces within a 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 1407-11 S Michigan, LLC, and the development is consistent with the design and layout of the plans and drawings dated February 9, 2017, prepared by BKV Group.

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

APPLICANT: Bryan and Jessica Berumen CAL NO.: 186-19-Z

APPEARANCE FOR: Sara Barnes MINUTES OF MEETING:
April 19, 2019

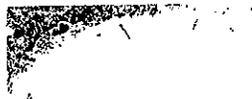
APPEARANCE AGAINST: None

PREMISES AFFECTED: 1949 W. Race Street

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 7.83' to 5.17', rear setback from 26.6' to 5', west setback from 2' to zero (east to be zero), combined side setback from 4.8' to zero for a proposed three-story, single family residence with an attached garage.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE



MAY 20 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 19, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the front setback to 5.17', rear setback to 5', west setback to zero (east to be zero), combined side setback to zero for a proposed three-story, single family residence with an attached garage; an additional variation was granted to the subject property in Cal. No. 187-19-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 aforesaid variation request be and it hereby is granted subject to the following condition(s):

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

APPROVED AS TO SUBSTANCE



CHAIRMAN

APPLICANT: Bryan and Jessica Berumen **CAL NO.:** 187-19-Z
APPEARANCE FOR: Sara Barnes **MINUTES OF MEETING:** April 19, 2019
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1949 W. Race Street

NATURE OF REQUEST: Application for a variation to relocate the 148 square feet of rear yard open space to roof deck of the proposed attached garage which will serve the proposed three-story, single family residence.

**ACTION OF BOARD-
 VARIATION GRANTED**

THE VOTE

MAY 20 2019
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

FARZIN PARANG
 SHAINA DOAR
 SYLVIA GARCIA
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

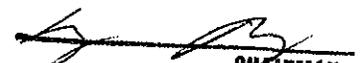
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 19, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to relocate the 148 square feet of rear yard open space to roof deck of the proposed attached garage which will serve the proposed three-story, single family residence; an additional variation was granted to the subject property in Cal. No. 186-19-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 aforesaid variation request be and it hereby is granted subject to the following condition(s):

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

APPROVED AS TO SUBSTANCE


 CHAIRMAN

APPLICANT: 755 Ada, LLC

CAL NO.: 188-19-Z

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:
April 19, 2019

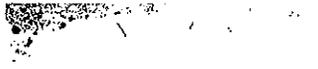
APPEARANCE AGAINST: None

PREMISES AFFECTED: 755 N. Ada Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback on floors containing dwelling units from the required 30' to zero for a proposed five-story mixed use building with ground floor retail, twenty-four dwelling units above and twenty-four parking spaces.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE



MAY 20 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 19, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 5, 2019; and

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

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

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Gerald Coyle

CAL NO.: 189-19-Z

APPEARANCE FOR: John Pikarski

MINUTES OF MEETING:
April 19, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1220 W. Flournoy Street

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

ACTION OF BOARD-

Continued to May 17, 2019 at 2:00 p.m.

THE VOTE

MAY 20 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Rosario Sanchez **CAL NO.:** 190-19-Z

APPEARANCE FOR: Mark Kupiec **MINUTES OF MEETING:**
April 19, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3110 W. Jackson Boulevard

NATURE OF REQUEST: Application for a variation to reduce the west setback from the required 2' to zero, (east to be 4'), combined setback from 4.8' to 4' for a proposed two-story addition and two-story open deck and stairs to the existing two-story, two dwelling unit building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE


MAY 20 2019
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

FARZIN PARANG
 SHAINA DOAR
 SYLVIA GARCIA
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

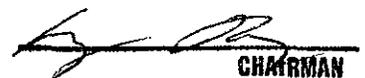
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 19, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 5, 2019; and

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

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

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Prop-RT Residential Realtors & Developers, LLC **CAL NO.:** 191-19-Z
 Series 1928 N. Cleveland

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:
 April 19, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1928 N. Cleveland Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 35.77' to 25.5', north setback from 2' to 1' (south to be 3'), combined side setback from 4.9' to 4' for a proposed three-story, single family residence with a roof deck over a semi-attached garage.

**ACTION OF BOARD-
 VARIATION GRANTED**

THE VOTE



MAY 20 2019
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

FARZIN PARANG
 SHAINA DOAR
 SYLVIA GARCIA
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 19, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 25.5', north setback to 1' (south to be 3'), combined side setback to 4' for a proposed three-story, single family residence with a roof deck over a semi-attached garage; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE


 CHAIRMAN

APPLICANT: Phu Tran d/b/a Tego Nail Spa CAL NO.: 192-19-S

APPEARANCE FOR: Same as Applicant MINUTES OF MEETING:

April 19, 2019

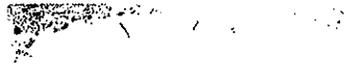
APPEARANCE AGAINST: None

PREMISES AFFECTED: 1731 N. Western Avenue

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

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE



MAY 20 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 19, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 5, 2019; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the special use is issued solely to the applicant, Phu Tran d/b/a Tego Nail Spa.

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

APPLICANT: Memphis Naturals, LLC

CAL NO.: 193-19-S

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
April 19, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 211 E. 79th Street

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

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE


MAY 20 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 19, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to 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, Memphis Naturals, LLC.

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Sojo's Studios 3, Inc.

CAL NO.: 194-19-S

APPEARANCE FOR: Thomas Raines

MINUTES OF MEETING:
April 19, 2019

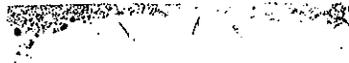
APPEARANCE AGAINST: None

PREMISES AFFECTED: 2320-22 W. 95th Street

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

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE



MAY 20 2019

**CITY OF CHICAGO
ZONING BOARD OF APPEALS**

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 19, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 5, 2019; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the special use is issued solely to the applicant, Sojo's Studios 3, Inc.

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Underground Nail Art Salon, LLC **CAL NO.:** 195-19-S

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

APPEARANCE AGAINST: None April 19, 2019

PREMISES AFFECTED: 938 N. Damen Avenue

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

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

MAY 20 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

THE RESOLUTION:

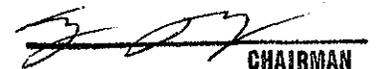
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 19, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a nail salon; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; George Blakemore of Chicago, Illinois testified in opposition; 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, Underground Nail Art Salon, LLC.

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Edna Cisneros

CAL NO.: 196-19-S

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
April 19, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 7006 W. Archer Avenue

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

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

MAY 20 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

THE RESOLUTION:

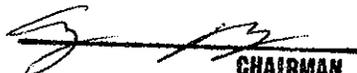
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 19, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to 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, Edna Cisneros.

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: Celina's Nail Spa, LLC

CAL NO.: 197-19-S

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
April 19, 2019

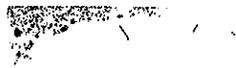
APPEARANCE AGAINST: None

PREMISES AFFECTED: 1205 W. Webster Avenue

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

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE



MAY 20 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

THE RESOLUTION:

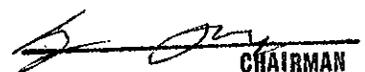
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 19, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 5, 2019; and

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

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

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Alexis Gonzalez **CAL NO.:** 198-19-S

APPEARANCE FOR: Same as Applicant **MINUTES OF MEETING:**
April 19, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4058 W. Division Street

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

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

MAY 20 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
		X

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 19, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 5, 2019; and

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

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

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: Jesus Arreola d/b/a Darlene's Unisex

CAL NO.: 199-19-S

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
April 19, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3442 W. Fullerton Avenue

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

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

MAY 20 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 19, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 5, 2019; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the special use is issued solely to the applicant, Jesus Arreola d/b/a Darlene's Unisex.

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Belmont Real Estate, Inc.

CAL NO.: 200-19-S

APPEARANCE FOR: Paul Kolpak

MINUTES OF MEETING:
April 19, 2019

APPEARANCE AGAINST: None

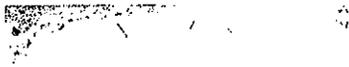
PREMISES AFFECTED: 3200 N. Harlem Avenue

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

ACTION OF BOARD-

Continued to May 17, 2019 at 2:00 p.m.

THE VOTE



MAY 20 2019

**CITY OF CHICAGO
ZONING BOARD OF APPEALS**

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Belmont Real Estate, Inc.

CAL NO.: 201-19-Z

APPEARANCE FOR: Paul Kolpak

MINUTES OF MEETING:
April 19, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3200 W. Belmont Avenue

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

ACTION OF BOARD-
Continued to May 17, 2019 at 2:00 p.m.

THE VOTE

MAY 20 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

APPROVED AS TO SUBSTANCE

CHAIRMAN

ZONING BOARD OF APPEALS
CITY OF CHICAGO

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



JUN 24 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

Jonathan Helton and Megan Webster
APPLICANTS

202-19-Z & 203-19-Z
CALENDAR NUMBERS

1512 N. Paulina Street
PREMISES AFFECTED

April 19, 2019
HEARING DATE

ACTION OF BOARD

THE VOTE

The applications for the variations are denied.

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

**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE VARIATION APPLICATIONS FOR 1512 N.
PAULINA STREET BY JONATHAN HELTON AND MEGAN WEBSTER.**

I. BACKGROUND

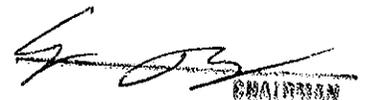
Jonathan Helton and Megan Webster (the "Applicants") submitted a variation application for 1512 N. Paulina. The subject property is currently zoned RT-4 and is currently improved with a single-family residence and detached garage with roof-top deck. The Applicants proposed to make certain improvements to the detached garage. In order to make these improvements, the Applicants sought two variations. The first variation sought to reduce: (1) the rear setback from the required 28' to 2'; (2) the north setback from 2' to 0'; (3) the south setback from 2' to 0'; and (4) the combined side setback from 4.8' to 0'. The second variation sought to reduce the rear yard open space from the required 156 square feet to 101.87 square feet.

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a public hearing on the Applicants' variation application at its regular meeting held on April 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*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure, the Applicants had submitted their proposed Findings of Fact. The Applicants Mr. Jonathan Helton and Ms. Megan

APPROVED AS TO SUBSTANCE


CHAIRMAN

Webster along with their attorney Ms. Charlotte Huffman were present. The Applicants' architect Mr. Vince Weber was also present. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

The ZONING BOARD OF APPEALS asked the Applicants to explain their hardship as it was unclear from their application materials.

The Applicants presented the testimony of Mr. Jonathan Helton.

The Applicants presented the testimony of their architect Mr. Vince Weber.

The Applicants presented the testimony of Ms. Megan Webster.

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 Applicants' 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.*

Although Mr. Helton testified that without the requested variations, the Applicants' ability to use their rear yard open space would be impaired, Mr. Weber conceded that the Applicants did not need the variations to either repair the existing garage or replace the existing garage roof-deck. As such, 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, especially as the Applicants have been residing at the subject property for the last fifteen years with the existing improvements. Simply put, the ZONING BOARD OF APPEALS finds that Applicants are not credible witnesses with respect to practical difficulties or particular hardships.

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

Pursuant to Section 17-1-0513 of the Chicago Zoning Ordinance, the purpose and intent of the Chicago Zoning Ordinance is to "establis[h] clear and efficient development review and approval procedures." One such procedure is the requirement that the ZONING BOARD OF APPEALS may not approve a variation unless it makes findings, based on the evidence submitted to it in each case, that strict compliance with the regulations and standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships for the subject property. Since the ZONING BOARD OF APPEALS declines to find that strict compliance with the regulations and standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships for the subject property, the requested 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 Applicants' 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.*

Mr. Weber testified that the variations are not necessary to repair either the existing garage or replace the existing garage roof-deck. As such, the ZONING BOARD OF APPEALS finds that the subject property can 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.*

The Applicants applied for the variations because they wish to: (1) cover their roof-deck with a flat roof structure so that the Applicants are sheltered from the sun and the rain; and (2) add a lower deck so that the Applicants can easily barbeque in the winter. To the extent that these wishes can be considered practical difficulties or particular hardships (which the ZONING BOARD OF APPEALS sincerely doubts¹), such wishes are not due to unique circumstances. Instead, they are generally applicable to other property improved with single-family residences and detached garages with roof-decks as most property owners would like such improvements to their detached garages with roof-decks.

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

Mr. Helton presented a series of pictures of other garage roof-decks with the type of flat roof structure that the Applicants desire to erect as evidence that the variations would not alter the essential character of the neighborhood. However, as Ms. Huffman stated that most of these flat roof structures had been erected

¹ 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 Applicants' convenience.

without proper zoning approval, the ZONING BOARD OF APPEALS declines to consider the pictures as evidence of the essential character of the neighborhood.

After careful consideration of the evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, the ZONING BOARD OF APPEALS hereby makes the following findings with reference to the Applicants' 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 ZONING BOARD OF APPEALS does not find that the particular physical surroundings, shape or topographical condition of the subject property results in a particular hardship on the Applicants. Nothing about the subject property prevents the Applicants from repairing their garage and replacing their existing garage roof-deck. To the extent that the Applicants cannot cover their garage roof-deck and have to climb to the top of the garage roof-deck to barbeque without the requested variations is, at best, a mere inconvenience as opposed to a particular hardship.

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

As noted above, the Applicants applied for the variations because they wish to: (1) cover their garage roof-deck with a flat roof structure so that the Applicants are sheltered from the sun and the rain; and (2) add a lower deck so that the Applicants can easily barbeque in the winter. These wishes are conditions applicable, generally, to other property in the RT-4 zoning classification as most people would like to be sheltered from the sun and the rain and would like to easily barbeque in the winter.

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

The ZONING BOARD OF APPEALS finds that the Applicants' desire to cover their garage roof-deck with a flat roof structure and add a lower deck so that they can barbeque in the winter is based exclusively upon a desire to make more money out of the subject property. As noted above, the Applicants can repair the garage and replace the existing garage roof-deck without the requested variations.

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

The garage can be repaired and the garage roof-deck can be replaced without the requested variations. Therefore, the variations are solely so that the Applicants can build the improvements to their garage they presented to the ZONING BOARD OF APPEALS. As the Applicants chose to build these improvements, the alleged practical difficulty or particular hardship has been created by the Applicants.

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.*

Mr. Weber's affidavit as to this criteria was wholly conclusory. As such, the ZONING BOARD OF APPEALS finds that the Applicants did not present any evidence as to this criteria.

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.*

Mr. Weber's affidavit as to this criteria was wholly conclusory. As such, the ZONING BOARD OF APPEALS finds that the Applicants did not present any evidence as to this criteria.

IV. CONCLUSION

For all of these reasons, the ZONING BOARD OF APPEALS finds that the Applicants have not proved their case by evidence, testimony and the entire record, including the Applicants' 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 Applicants' 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: Jonathan Helton & Megan Webster

CAL NO.: 202-19-Z

APPEARANCE FOR: Charlotte Huffman

MINUTES OF MEETING:

April 19, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1512 N. Paulina Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 28' to 2', north setback from 2' to zero, south from 2' to zero, combined side setback from 4.8' to zero for a new roof deck and stairs with trellis walls and fireplace on the existing two car garage and a new one-story open deck to serve the existing single family residence.

ACTION OF BOARD-

Split vote, two for and two against. Pursuant to *Melrose Park National Bank v. Zoning Board of Appeals of the City of Chicago*, matter is continued to May 17, 2019 at 9:00 AM for vote by fifth board member.

THE VOTE

MAY 20 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
	X	
X		
	X	
X		
		X

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Jonathan Helton & Megan Webster

CAL NO.: 203-19-Z

APPEARANCE FOR: Charlotte Huffman

MINUTES OF MEETING:

April 19, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1512 N. Paulina Street

NATURE OF REQUEST: Application for a variation to reduce the rear yard open space from the required 156 square feet to 101.87 square feet for a proposed garage roof deck with trellis walls, fire place and stairs on the existing garage and a new one-story open deck to serve the existing single family residence.

ACTION OF BOARD-

Split vote, two for and two against. Pursuant to *Melrose Park National Bank v. Zoning Board of Appeals of the City of Chicago*, matter is continued to May 17, 2019 at 9:00 AM for vote by fifth board member.

THE VOTE

MAY 20 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
	X	
X		
	X	
X		
		X

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Adan Nieto **CAL NO.:** 204-19-Z
APPEARANCE FOR: Same as Applicant **MINUTES OF MEETING:**
April 19, 2019
APPEARANCE AGAINST: None
PREMISES AFFECTED: 4640 N. Kasson Avenue

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 18.38' to 11.66', rear setback from 37.5' to 32.33' for a proposed front, one-story addition, third floor addition and a canopy extended from the existing garage to serve the existing three-story, three dwelling unit building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

MAY 20 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
	X	
X		
X		
X		
		X

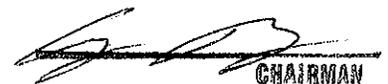
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 19, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the front setback to 11.66', rear setback to 32.33' for a proposed front, one-story addition, third floor addition and a canopy extended from the existing garage to serve the existing three-story, three dwelling unit building; additional variations were granted to subject property in Cal. Nos. 205-19-Z and 206-19-Z; George Blakemore of Chicago, Illinois testified in opposition; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Adan Nieto **CAL NO.:** 205-19-Z
APPEARANCE FOR: Same as Applicant **MINUTES OF MEETING:**
April 19, 2019
APPEARANCE AGAINST: None
PREMISES AFFECTED: 4640 N. Kasson Avenue

NATURE OF REQUEST: Application for a variation to increase the floor area ratio from 0.9 to 0.97 for a proposed front, one-story addition, third floor addition and canopy extended from the existing garage which serves the existing three-story, three dwelling unit building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

MAY 20 2019
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

FARZIN PARANG
 SHAINA DOAR
 SYLVIA GARCIA
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
	X	
X		
X		
X		
		X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 19, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to increase the floor area ratio to 0.97 for a proposed front, one-story addition, third floor addition and canopy extended from the existing garage which serves the existing three-story, three dwelling unit building; additional variations were granted to subject property in Cal. Nos. 204-19-Z and 206-19-Z; George Blakemore of Chicago, Illinois testified in opposition; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

APPLICANT: Adan Nieto **CAL NO.:** 206-19-Z
APPEARANCE FOR: Same as Applicant **MINUTES OF MEETING:**
 April 19, 2019
APPEARANCE AGAINST: None
PREMISES AFFECTED: 4640 N. Kasson Avenue

NATURE OF REQUEST: Application for a variation to increase the building height from the maximum 30' to 32.33' for a proposed front, one-story addition, third floor addition and a canopy extended from the existing garage which serves the existing three-story, three dwelling unit building.

**ACTION OF BOARD-
 VARIATION GRANTED**

THE VOTE

MAY 20 2019
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

FARZIN PARANG
 SHAINA DOAR
 SYLVIA GARCIA
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
	X	
X		
X		
X		
		X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 19, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to increase the building height to 32.33' for a proposed front, one-story addition, third floor addition and a canopy extended from the existing garage which serves the existing three-story, three dwelling unit building; additional variations were granted to subject property in Cal. Nos. 204-19-Z and 205-19-Z; George Blakemore of Chicago, Illinois testified in opposition; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

[Signature]
CHAIRMAN

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



4911 N Western, LLC

APPLICANT

207-19-S & 208-19-Z

CALENDAR NUMBERS

4911 N. Western Avenue

PREMISES AFFECTED

April 19, 2019

HEARING DATE

ACTION OF BOARD

THE VOTE

The application for the special use is approved subject to the condition specified below.
The application for the variation is approved.

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

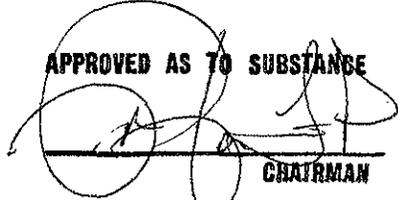
**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE SPECIAL USE AND VARIATION APPLICATIONS
FOR 4911 N. WESTERN AVENUE BY 4911 N WESTERN, LLC**

I. BACKGROUND

4911 N Western, LLC (the "Applicant") submitted a special use application and a variation application for 4911 N. Western Avenue (the "subject property"). The subject property is currently zoned B3-2 and is currently vacant. The Applicant proposed to redevelop the subject property with a four-story, three-dwelling unit building with an attached garage (the "proposed building"). To permit the proposed building, the Applicant sought: (1) a special use to establish residential use below the second floor; and (2) a variation to reduce the rear setback from the required 30' to 2'. In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City's Department of Planning and Development (the "Zoning Administrator") recommended approval of the proposed building provided that the development was consistent with the design and layout of the plans and drawings dated July 6, 2018, prepared by John Joyce Architects, Inc.

II. PUBLIC HEARING

A. The Hearing

APPROVED AS TO SUBSTANCE

CHAIRMAN

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's special use and variation applications at its regular meeting held on April 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*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure, the Applicant had submitted its proposed Findings of Fact. The Applicant's member Mr. Thomas Serek and its attorney Mr. Jim Griffin were present. The Applicant's architect Mr. John Joyce and its MAI certified real estate appraiser Mr. Joseph M. Ryan were present. Testifying in opposition to the applications were Mr. Bob Farster and Mr. George Blakemore. With the exception of portions of Mr. Blakemore's testimony, the statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

The Applicant's attorney Mr. Jim Griffin provided a brief overview of the Applicant's applications.

The Applicant presented the testimony of its member Mr. Thomas Serek.

The Applicant presented the testimony of its architect Mr. John Joyce.

The Applicant presented the testimony of its MAI certified real estate appraiser Mr. Joseph M. Ryan. The ZONING BOARD OF APPEALS recognized Mr. Ryan's credentials as an expert in real estate appraisal.

Mr. Bob Farster, of 4814 N. Hamilton, testified in opposition to the applications.

In response to Mr. Farster's testimony, Mr. Serek provided further testimony.

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

B. Criteria for a Special Use

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

C. 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 special use pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance:

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

The proposed special use will allow the proposed building to have residential use below the second floor. The subject property is zoned B3-2. Residential use below the second floor is a special use in a B3 zoning district. The proposed building – with the exception of the variation – complies with all applicable

standards of the Chicago Zoning Ordinance. Since the ZONING BOARD OF APPEALS has decided to grant the special use and variation to the Applicant, the Applicant's proposed special use complies with all applicable standards of the Chicago Zoning Ordinance.

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

The proposed special use will allow the proposed building to have residential use below the second floor. As testified to by Mr. Ryan and as set forth in greater detail in his report, there is no demonstrated demand for commercial ground floor use at this location. As there is other ground floor residential use on this block of North Western Avenue, and as there are several vacant storefronts lining the commercial arterial corridors and secondary corridors of the neighborhood, the proposed use is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of the neighborhood.

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

The proposed special use will be located in the existing building. As set forth in Mr. Ryan's report, there are several other residential buildings on this stretch of North Western Avenue with ground floor residential use. The proposed building is compatible with the character of other existing single-unit and multi-unit residential buildings in the area.

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

As noted above, there is other ground floor residential use on this block of North Western Avenue. Therefore, the proposed special use is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, lighting, noise and traffic generation. In fact, as noted in Mr. Ryan's report, the proposed special use will generate less traffic than ground floor commercial use.

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

As set forth in Mr. Ryan's report, the existing residential uses on this block of North Western Avenue have not impacted pedestrian safety and comfort. Further, proposed special use will be located within the proposed building. As shown by the plans for the proposed building, there will be no front curb cuts on the subject property. Instead, all cars will ingress and egress from the alley at the rear of the subject property. This will promote pedestrian safety and comfort.

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 subject property is a substandard lot¹ in that it is only 120' deep. As Mr. Joyce testified, strict compliance with the regulations and standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships for the subject property, in that any residential building and detached garage designed for the subject property would have no gangway between the two, just one door across from another door. To overcome this practical difficulty or particular hardship, the Applicant designed the proposed building so that it had an attached garage.

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 Section 17-1-0502 of the Chicago Zoning Ordinance in that it will allow a new all-residential building to be built in an area that has no demand for ground floor commercial use; (2) maintaining orderly and compatible land use and development patterns pursuant to Section 17-1-0508 in that it will allow for a practical building design despite the subject property's substandard lot depth; and (3) ensuring adequate light, air, privacy and access to property pursuant to Section 17-1-0509 in that it will allow for the proposed building to be built.

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.*

If the subject property were to be used in accordance with the standards of the Chicago Zoning Ordinance, the subject property would have commercial use on the ground floor. As such, there would be no required rear yard setback for the

¹ Section 17-17-02174 of the Chicago Zoning Ordinance.

ground floor.² However, as Mr. Ryan set forth in his report, there is no demand for commercial ground floor use in the area. In fact, there are many vacant storefronts lining the commercial arterial and secondary corridors. Therefore, in order for the Applicant to realize a reasonable rate of return on its investment, it requires ground floor residential use on the subject property. Ground floor residential use requires a 30' rear setback. As set forth above, due to the substandard lot depth, it is impractical for the garage to be detached from the proposed building. The attachment of the garage to the proposed building is what triggers the need for a variation (as the actual dwelling-units are in fact set 30' back from the rear property line). Therefore, in order for the Applicant to realize a reasonable return on its investment, it requires the requested variation.

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

The substandard lot depth of the subject property combined with the lack of demand for commercial ground floor use at this location is a unique hardship that is not generally applicable to other business or commercial property.

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

The variation, if granted, will not be visible from North Western Avenue. In fact, it will only affect its residents' access to the garage (i.e., one door versus two doors). In all other respects, the proposed building will fully comply with the Chicago Zoning Ordinance. The nearby property of 2103 W. Winnemac is similarly designed, and there are other properties on the block with a 0' rear setback. Further, as Mr. Joyce testified, the subject property is located at the end of the alley and therefore will not affect any of the residential properties to its north.

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 physical surroundings – that is the lack of demand for retail at this location – and the shape – that is the substandard lot depth – of the subject property involved result in particular hardship upon the Applicant. As set forth

² Section 17-3-0405-A of the Chicago Zoning Ordinance.

above, if the Applicant were forced to provide for commercial ground floor use at the subject property, it would not be able to realize a reasonable return on its investment.

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

The substandard lot depth of the subject property combined with the lack of demand for commercial ground floor use at this location are conditions not applicable, generally, to other property within the B3-2 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 not based upon a desire to make more money out of the subject property but rather based upon: (1) the Applicant's inability to yield a reasonable rate of return on the subject property with commercial ground floor use; and (2) the Applicant's desire to create a practical design for a substandard lot.

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

The Applicant did not create the substandard lot depth of the subject property. The Applicant also does not have any ownership in any of the surrounding properties that contribute to the necessity of having ground floor residential space instead of commercial.

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.*

As set forth above, the variation will not be visible from North Western Avenue. The subject property is located at the end of the alley and therefore will not affect any of the residential properties to its north. Only the one-story garage will be located in the reduced rear setback; the remainder of the four-story building will be set back the required 30' from the rear property line. The granting of the variation will allow the Applicant to overcome the substandard lot depth and create a practical design for the proposed building (rather than having an impractical design of a building directly abutting a detached garage). The variation, therefore, will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

6. *The variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or*

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

As shown by the Applicant's plans, the variation will not impair an adequate supply of light and air to the adjacent property. Only the one-story garage will be located in the reduced rear setback; the remainder of the four-story building will be set back the required 30' from the rear property line. The variation will not substantially increase congestion in the public street since the Applicant will be providing all required parking. Since the proposed building will fully comply with the City's Building Code the variation will not increase the danger of fire or endanger the public safety. The variation will not substantially diminish or impair property values in the neighborhood because it is being sought so that the Applicant does not have to establish ground floor commercial use on this property. As set forth above, there is no demand for commercial use at this location, and there are many vacant storefronts on the commercial arterial and secondary corridors.

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: (1) the specific criteria for a special use pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance; and (2) 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 special use, and pursuant to the authority granted to the ZONING BOARD OF APPEALS by Section 17-13-0906 of the Chicago Zoning Ordinance, the Zoning Administrator is authorized to permit said special use subject to the following condition:

1. Development shall be consistent with the design and layout of the plans and drawings dated July 6, 2018, prepared by John Joyce Architects, Inc.

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.*

APPLICANT: 1732 Pershing, LLC

CAL NO.: 209-19-S

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:
April 19, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1746 W. Pershing Road / 3848 S. Hermitage Avenue

NATURE OF REQUEST: Application for a special use to establish residential use below the second floor for two proposed three-story, four unit townhouse buildings with rooftop enclosures and attached garages.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

MAY 20 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
	X	
X		
X		
		X

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 19, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 5, 2019; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated September 15, 2018, prepared by 360 Design Studio.

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

APPLICANT: Chicago Mudcats Sport and Social Club **CAL NO.:** 210-19-S

APPEARANCE FOR: Mark Kupiec **MINUTES OF MEETING:**
April 19, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2932 N. Campbell Avenue

NATURE OF REQUEST: Application for a special use to establish a sports and recreation participant facility for youth sports training and rental of batting cages.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

MAY 20 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
	X	
X		
X		
		X

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 19, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a sports and recreation participant facility for youth sports training and rental of batting cages; 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 Chicago Mudcats Sport and Social Club, and the development is consistent with the design and layout of the plans and drawings dated April 19, 2019, prepared by the applicant.

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: Intrinsic Schools

CAL NO.: 211-19-S

APPEARANCE FOR: Liz Butler

MINUTES OF MEETING:

APPEARANCE AGAINST: None

April 19, 2019

PREMISES AFFECTED: 79 W. Monroe Street

NATURE OF REQUEST: Application for a special use to establish a high school.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

MAY 20 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 19, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a high school; 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 Intrinsic Schools, and the development is consistent with the design and layout of the plans and drawings dated January 23, 2019, prepared by Wheeler Kearns Architects.

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



MAY 20 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

Rogelio Richart
APPLICANT

212-19-Z
CALENDAR NUMBER

5218 S. Massasoit Avenue
PREMISES AFFECTED

April 19, 2019
HEARING DATE

ACTION OF BOARD

THE VOTE

The application for the variation is approved.

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

**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE VARIATION APPLICATION FOR 5218 S.
MASSASOIT AVENUE BY ROGELIO RICHART.**

I. BACKGROUND

Rogelio Richart (the "Applicant") submitted a variation application for 5218 S. Massasoit Avenue which consists of a north lot and a south lot (the "subject property"). The subject property is currently zoned RS-2 and is currently improved with a front single family residence and rear single family residence coach house on the north lot and a rear garage on the south lot (the "existing buildings"). The Applicant had previously erected a detached covered roof patio canopy (the "patio canopy") on the front of the south lot (the "side yard"). The patio canopy was built without permits. The Applicant sought a variation to reduce the south setback from the required 5' to 1' (north to be 2.50') and the combined side setback from 15' to 3.50' to legalize the patio canopy on the south lot.

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 April 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*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure, the Applicant had submitted his

APPROVED AS TO SUBSTANCE


CHAIRMAN

proposed Findings of Fact. The Applicant Mr. Rogelio Richart was present. Testifying in opposition to the application was Mr. David Shipyor and Mr. George Blakemore. With the exception of portions of Mr. Blakemore's testimony, the statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

The Applicant Mr. Rogelio Richart testified that the patio canopy had been built without a permit and was subsequently cited by the City. He testified that the company he hired to erect the patio canopy J & J Construction (the "Company") had advised that no permit was necessary for the original gazebo he wished to have built. He testified that the Company subsequently convinced him to erect the large patio canopy. He testified that Company told him no permit was necessary for the patio canopy because it would not be attached to a house. He testified that he was an auto mechanic by trade and did not have any knowledge of property setbacks or building permit requirements.

Mr. David Shipyor, of 8001 S. 86th Court, Justice, Illinois, testified in opposition to the application. He testified that his parents lived next door to the Applicant and were opposed to the application as were other neighbors. He testified that the opposition stemmed from concerns regarding: (1) safety; and (2) setting precedence for legalizing structures built without permits. He then submitted and the ZONING BOARD OF APPEALS received into the record a list of neighbors in opposition to the application.

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

In response to Mr. Shipyor's testimony and questions by the ZONING BOARD OF APPEALS, the Applicant testified that the roof of patio canopy is twelve feet (12') above the ground. The Applicant further testified that though he did not believe that the flames from the grill would rise that high, he would move the grill if it ever became a safety issue. He testified that he had gotten an estimate of how much it would cost to take down the patio canopy and that such amount was \$3000. He testified that the construction of the patio canopy cost \$11,000.

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 patio canopy has already been constructed in the subject property's side yard. The Applicant paid the Company – which had assured him no permits were needed – \$11,000 to construct the patio canopy. Strict compliance with the regulations and standards of the Chicago Zoning Ordinance would require that the Applicant pay an additional \$3000 to demolish the patio canopy. Such a demolition creates practical difficulties or particular hardships for 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) preserving the overall quality of life for residents and visitors pursuant to Section 17-1-0502 of the Chicago Ordinance in that it enhances the Applicant's yard; (2) maintaining orderly and compatible land use and development patterns pursuant to Section 17-1-0508 of the Chicago Zoning Ordinance in that it legalizes an illegal structure; and (3) ensuring adequate light, air, privacy, and access to property pursuant to Section 17-1-0509 of the Chicago Zoning Ordinance for both the Applicant's property and those of his neighbors.

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 spent \$11,000 for the patio canopy. As noted above, the Company assured him that no building permits were necessary. If the subject property could only be used in accordance with the standards of the Chicago Zoning Ordinance, the Applicant would have to pay an additional \$3,000 to remove the patio canopy. The ZONING BOARD OF APPEALS finds that \$11,000 is a substantial investment to the subject property and to pay an additional \$3,000 on top of this sum would make the subject property unable to yield a reasonable rate of return.

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

As noted above, the Company the Applicant hired to construct the patio canopy assured the Applicant that no permits were necessary. The Applicant therefore expended \$11,000 to have the patio canopy constructed, and, if he is forced to comply with the standards of the Chicago Zoning Ordinance, will expend an additional \$3000 to remove the patio canopy. These are unique circumstances that are not generally applicable to other residential property.

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

The variation is located in the Applicant's side yard. As shown by the pictures attached to the Applicant's proposed Findings of Fact, the Applicant has a solid wooden fence on the south and east property lines. This shields the patio canopy from the street. Further, it is only because the patio canopy was built in the side yard setback that a variation is needed; had it been built solely in the rear yard setback, no variation would be needed.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 makes the following findings with reference to the Applicant's application for a variation pursuant to Section 17-13-1107-C of the Chicago Zoning Ordinance:

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

The particular topographical condition – that is the existing patio canopy – would result in particular hardship upon the Applicant if the Applicant were forced to strictly comply with the Chicago Zoning Ordinance. As noted above, this would require that the Applicant expend an additional \$3,000 (on top of the \$11,000 he has already invested) to remove the patio canopy.

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

As noted above, the Company the Applicant hired to construct the patio canopy assured the Applicant that no permits were necessary. The Applicant therefore expended \$11,000 to have the patio canopy constructed, and, if he is forced to comply with the standards of the Chicago Zoning Ordinance, will expend an additional \$3000 to remove the patio canopy. These are conditions that are not applicable, generally, to other property within the RS-2 zoning classification.

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

As set forth in the Applicant's proposed Findings of Fact, the Applicant and his family will remain at the subject property. Further, the purpose of the covered patio is to provide covered outdoor recreational space to serve the front single family residence and rear single family residence coach house on the north lot. The variation is not based exclusively upon a desire to make more money out of the property but rather a desire to legalize the Applicant's existing structure.

¹ Section 17-17-0309 of the Chicago Zoning Ordinance.

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

The alleged practical difficulty or particular hardship – that is, the fact that patio canopy is located in the south side yard setback – was not created by the Applicant but by the Company.

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.*

It is only because the patio canopy was built in the side yard setback that the variation is required. If the patio canopy had been built in the rear yard setback, the Applicant would not need a variation. The ZONING BOARD OF APPEALS does not find, however, that the placement of the patio canopy in the side yard setback is detrimental to the public welfare or injurious to other property or improvements in the neighborhood. The patio canopy is a normal residential use of residential outdoor space.

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 can be seen from the pictures attached to the proposed Findings of Fact, legalizing the patio canopy will not impair an adequate supply of light and air to adjacent properties. It will not substantially increase congestion in the public streets. It also will not increase the danger of fire as the Applicant testified that the space between the roof of the patio canopy and the grill is too great to cause any issues, and if any issues occur, he will remove the grill. It will not endanger the public safety as the City's Department of Building has inspected the patio canopy and has not found any structural violations. It will not substantially diminish or impair property values in the neighborhood as the patio canopy is an enhancement to the Applicant's residence.

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.*

APPLICANT: SST Real Estate Group, LLC Series 1821 Sawyer

CAL NO.: 213-19-Z

APPEARANCE FOR: Paul Kolpak

MINUTES OF MEETING:
April 19, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1821 N. Kimball

NATURE OF REQUEST: Application for a variation to reduce the north setback from the required 2.16' to zero (south to be 3'), combined side setback from 5.4' to 3.0' for a proposed four-story, five dwelling unit building with five rear unenclosed parking stalls.

ACTION OF BOARD-
Continued to May 17, 2019 at 2:00 p.m.

THE VOTE

MAY 20 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

APPROVED AS TO SUBSTANCE

CHAIRMAN

ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 90

APPLICANT: SST Real Estate Group, LLC Series 1821 Sawyer

CAL NO.: 214-19-Z

APPEARANCE FOR: Paul Kolpak

MINUTES OF MEETING:
April 19, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1821 N. Kimball

NATURE OF REQUEST: Application for a variation to reduce the rear yard open space from the required 311.6 square feet to 245.92 square feet for a proposed four-story, five dwelling unit building with five unenclosed parking stalls.

ACTION OF BOARD-

Continued to May 17, 2019 at 2:00 p.m.

THE VOTE

MAY 20 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

APPROVED AS TO SUBSTANCE

CHAIRMAN

ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 90

APPLICANT: Cloud Property Management, LLC 3132-34 Series

CAL NO.: 215-19-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
April 19, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3132 S. Lituania Avenue

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 10.72' to 1.49', rear setback from 26.79' to 10.67', north setback from 5' to 4.26' (south to be 5.30'), combined side setback from 10' to 9.56' to convert an existing three-story building to a four-story, seven dwelling unit building.

ACTION OF BOARD-

Continued to May 17, 2019 at 2:00 p.m.

THE VOTE

MAY 20 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

APPROVED AS TO SUBSTANCE

CHAIRMAN

ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 90

APPLICANT: Cloud Property Management, LLC 3132-34 Series

CAL NO.: 216-19-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
April 19, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3132 S. Lituania Avenue

NATURE OF REQUEST: Application for a variation to reduce the number of parking spaces from the required seven to six for the proposed conversion of an existing three-story building into a four-story, seven dwelling unit building.

ACTION OF BOARD-
Continued to May 17, 2019 at 2:00 p.m.

THE VOTE

MAY 20 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM'TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

APPROVED AS TO SUBSTANCE

CHAIRMAN

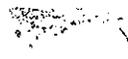
ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905

APPLICANT: John J. Burke II **CAL NO.:** 217-19-Z
APPEARANCE FOR: Same as Applicant **MINUTES OF MEETING:**
April 19, 2019
APPEARANCE AGAINST: None
PREMISES AFFECTED: 5347 S. Melvina Avenue

NATURE OF REQUEST: Application for a variation to reduce the north setback from the required 5' to 3.74' (south to be 23'), front setback from 19.62' to 15.21' for a proposed second floor addition to the existing single family residence.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE


MAY 20 2019
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

FARZIN PARANG
 SHAINA DOAR
 SYLVIA GARCIA
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 19, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the north setback to 3.74' (south to be 23'), front setback to 15.21' for a proposed second floor addition to the existing 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: S.M.A.R.T. Golf Fitness Instruction, Inc. **CAL NO.:** 218-19-S

APPEARANCE FOR: Rolando Acosta **MINUTES OF MEETING:** April 19, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1452 W. Willow Street

NATURE OF REQUEST: Application for a special use to establish an indoor participant sports and recreation facility in an existing one and two- story, multi-use building.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

MAY 20 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 19, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 5, 2019; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the special use is issued solely to the applicant S.M.A.R.T. Golf Fitness Instruction, Inc., and the development is consistent with the design and layout of the plans and drawings dated April 19, 2019, prepared by Angelica Borromeo Architect.

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

APPLICANT: Lashtec, Inc.
APPEARANCE FOR: Same as Applicant
APPEARANCE AGAINST: None
PREMISES AFFECTED: 6017 N. Cicero Avenue

CAL NO.: 219-19-S

MINUTES OF MEETING:
 April 19, 2019

NATURE OF REQUEST: Application for a special use to establish a body art service (micro-blading).

**ACTION OF BOARD-
 APPLICATION APPROVED**

THE VOTE

MAY 20 2019
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

FARZIN PARANG
 SHAINA DOAR
 SYLVIA GARCIA
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 19, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a body art service (micro-blading); 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, Lashtec, 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: 4328 W. Irving Park, LLC

CAL NO.: 220-19-S

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:

April 19, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4328 W. Irving Park Road

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

MAY 20 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

THE RESOLUTION:

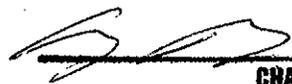
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 19, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a tavern; 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, 4328 W Irving Park, LLC.

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: 1966 N. Milwaukee, LLC **CAL NO.:** 221-19-Z
APPEARANCE FOR: Sara Barnes **MINUTES OF MEETING:**
April 19, 2019
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1962-66 N. Milwaukee Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 30' to 10' for a proposed six-story building with retail on the ground floor and twenty-eight residential units above. Four of the twenty-eight units will be efficiency units.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

MAY 20 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

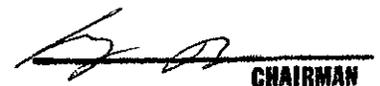
AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 19, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 10' for a proposed six-story building with retail on the ground floor and twenty-eight residential units above. Four of the twenty-eight units will be efficiency units; George Blakemore of Chicago, Illinois testified in opposition; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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


CHAIRMAN

APPLICANT: Edison Restaurant Group, LLC

CAL NO.: 222-19-S

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
April 19, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 6724 N. Northwest Highway

NATURE OF REQUEST: Application for a special use to establish an outdoor rooftop patio to serve a proposed restaurant in the existing two-story, mixed use building.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

MAY 20 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
		X

THE RESOLUTION:

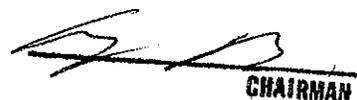
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 19, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish an outdoor rooftop patio to serve a proposed restaurant in the existing two-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 Edison Restaurant Group, LLC, Inc., and the development is consistent with the design and layout of the plans and drawings dated December 7, 2018, prepared by My Home Architects and Engineers.

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: 3235 Wilton, LLC

CAL NO.: 223-19-Z

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:

APPEARANCE AGAINST: None

April 19, 2019

PREMISES AFFECTED: 3235 N. Wilton Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 32.99' to 27.33' for a proposed four-story, four dwelling unit building with two indoor and two exterior parking spaces.

ACTION OF BOARD-

Continued to May 17, 2019 at 2:00 p.m.

THE VOTE

MAY 20 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
		X

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 3235 Wilton, LLC

CAL NO.: 224-19-Z

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:
April 19, 2019

APPEARANCE AGAINST: None

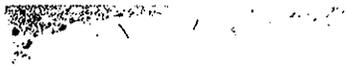
PREMISES AFFECTED: 3235 N. Wilton Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear yard open space from the required 144.05 square feet to 51 square feet for a proposed four-story, four dwelling unit building with two indoor and two exterior parking spaces.

ACTION OF BOARD-

Continued to May 17, 2019 at 2:00 p.m.

THE VOTE



MAY 20 2019

**CITY OF CHICAGO
ZONING BOARD OF APPEALS**

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
		X

APPROVED AS TO SUBSTANCE

CHAIRMAN

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



JUN 24 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

6148 Milwaukee, Inc.

APPLICANT

225-19-S

CALENDAR NUMBER

6148 N. Milwaukee Avenue

PREMISES AFFECTED

April 19, 2019

HEARING DATE

ACTION OF BOARD

THE VOTE

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

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

**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE SPECIAL USE APPLICATION FOR 6148 N.
MILWAUKEE AVENUE BY 6148 MILWAUKEE, INC.**

I. BACKGROUND

6148 Milwaukee, Inc. (the "Applicant") submitted a special use application for 6148 N. Milwaukee Avenue (the "subject property"). The subject property is currently zoned B3-1 and is improved with a two-story brick building (the "building"). The Applicant currently operates a tavern on the first floor of the building. The Applicant proposed to expand its tavern with an outdoor patio (the "patio"). To permit this, the Applicant sought a special use. In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City's Department of Planning and Development recommended approval of the proposed expansion provided that: (1) the special use was issued solely to the Applicant; (2) development was consistent with the design and layout of the plans and drawings dated February 28, 2019, prepared by LAM Architects; and (3) a ten foot (10') high fence was installed at all sides of the rear of the subject property.

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's special use application at its regular meeting held on April 19, 2019, after due notice

APPROVED AS TO SUBSTANCE


CHAIRMAN

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 president and sole shareholder Mr. John Eshoo and its attorney Mr. John Sugrue were present. The Applicant's MAI certified real estate appraiser Mr. Joseph M. Ryan was also present. Testifying in opposition to the application were Mr. John Barak and Mr. George Blakemore. With the exception of certain portions of Mr. Blakemore's testimony, the statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

The Applicant's attorney Mr. John Sugrue gave a brief overview of the history of the tavern and the Applicant's ownership of it.

The Applicant presented the testimony of its MAI certified real estate appraiser Mr. Joseph M. Ryan. The ZONING BOARD OF APPEALS recognized Mr. Ryan's credentials as an expert in real estate appraisal. Mr. Ryan testified that he had prepared a report concerning the subject property. He then testified as to the special use; namely, that it would not diminish property values in the area and met all necessary criteria for a special use.

The Applicant presented the testimony of its president and sole shareholder Mr. John Eshoo. Mr. Eshoo testified as to how the Applicant proposed to operate the proposed patio. In particular, he testified that: (1) the existing fence surrounding the patio would be raised to 10' in height; (2) an additional fence 10' high fence would be erected between the patio area and the residential use across the alley; (3) no music would be played outside on the patio (though there would be music inside the bar); (4) during the patio's hours of operation, there would be dedicated staff on the patio at all times; (5) the only exit and entry to the patio will be through the bar; (6) there would be additional security cameras installed outside so everything can be monitored remotely; and (7) he would continue meeting with CAPs officers in the area.

Mr. Eshoo testified that the Applicant had purchased the tavern in 2014. He testified that when the Applicant purchased the tavern, he had reached out to all the neighbors and given them his cellphone number. He told the neighbors that they were free to call or text him at any time. He testified that he is usually at the tavern.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Eshoo provided further testimony as to the Applicant's current operations of the tavern.

Mr. John Barak, of 6031 W. Huntington Street, testified in opposition to the application. He testified that he lived directly across the alley from the subject property. He testified that since the Applicant had purchased the tavern, the tavern had not been well run. In particular, he testified to actions by the tavern's patrons as well as alley blockage. He testified that the proposed special use would allow the Applicant to serve an additional thirty-seven (37) people.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Eshoo further testified that currently only the Applicant's staff is allowed on the patio. He testified that tavern patrons were not allowed out of the patio.

Mr. Barak then showed to the ZONING BOARD OF APPEALS a video taken on his cellphone. Such video depicted an inebriated individual falling over the Applicant's fence.

Mr. Sugrue stated that the incident had happened well over a year ago and that Mr. Barak had never related the incident to Mr. Eshoo. He stated that Mr. Barak had Mr. Eshoo's cellphone number. He stated that Mr. Barak had reached out to Mr. Eshoo before, when there had been an issue with the Applicant's delivery trucks blocking the alley.

Mr. Barak then showed to the ZONING BOARD OF APPEALS other videos taken on his cellphone. One such video depicted people wandering in the back of the subject property. Another such video depicted sound emanating from the tavern.

Mr. Sugrue stated that there was another bar approximately 25' from the Mr. Barak's kitchen.

Mr. Barak testified that he never heard the other bar because that bar's outdoor patio is at the front of the building and is completely bricked off from the rear.

In response to Mr. Barak's testimony, Mr. Sugrue stated that the Applicant did not believe the people and noise shown and heard in Mr. Barak's videos were related to the Applicant's tavern.

In response to Mr. Barak's testimony, Mr. Ryan opined that noise baffling panels could be put around the patio to mitigate noise leaving the subject property.

In response to questions by the ZONING BOARDS OF APPEALS, Mr. Eshoo testified that he could put those panels up. He then testified that his proposed hours of operation for the patio would be: Sunday – Thursday until 11:00 PM; Friday – Saturday until 12:00 AM.

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

The ZONING BOARD OF APPEALS then asked that should the special use be approved if the Applicant would have any objection to the Applicant entering a plan of operation¹ for the liquor license the Applicant needs to operate the patio. It stated that such plan of operation would set out the things the Applicant would do to abate noise and drunkenness.

¹ As such plan of operation is defined under Section 4-60-040(h) of the Municipal Code of the City of Chicago.

Mr. Sugrue stated the Applicant would have no objection to such a condition.

Mr. Eshoo testified that the Applicant would have no objection to such a condition.

B. Criteria for a Special Use

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

III. FINDINGS OF FACT

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

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

The subject property is zoned B3-1. As a tavern use is a special use in a B3-1 zoning district, any expansion of the tavern requires a new special use.² The Applicant is seeking no other relief from the Chicago Zoning Ordinance. It is only the special use that brings it before the ZONING BOARD OF APPEALS. Since the ZONING BOARD OF APPEALS has decided to grant the special use to the Applicant, the Applicant's proposed special use therefore complies with all applicable standards of the Chicago Zoning Ordinance.

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

The proposed special use is in the interest of the public convenience because it provides the Applicant's patrons with outdoor seating during the summer months, thereby increasing the public's available options for outdoor tavern seating. As

² Cf. 17-3-0207-AA(3) of the Chicago Zoning Ordinance with 17-13-0910 of the Chicago Zoning Ordinance.

Mr. Ryan testified, the proposed special use will not diminish nearby property values. Further, due to the conditions imposed by the ZONING BOARD OF APPEALS, it will not have a significant adverse impact on the general welfare of the neighborhood.

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

The proposed special use will be located at the rear of the subject property. Milwaukee Avenue at this location is zoned B3-1 and has other businesses, including a similar outdoor patio a few doors down. The proposed special will be surrounded by ten foot (10') high fences so that it does not affect the residential use behind the subject property. It is therefore compatible with the character of the surrounding area in terms of site planning and building scale and project design.

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

As discussed in Mr. Ryan's report, there are six (6) other beer gardens/patio areas in the vicinity of the subject property, including the nearby elevated patio at 6154 N. Milwaukee. The proposed patio will have the same hours of operation as these other patios as outdoor patio hours of operation are set by City ordinance.³ Due to the conditions imposed by the ZONING BOARD OF APPEALS, outdoor lighting and noise will be similarly compatible with the character of the surrounding area in terms of operating characteristics. The Applicant's business model does not generate much traffic because it is a neighborhood tavern that most patrons walk to. The proposed special use will not disrupt this business model.

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

The proposed special use will be located at the rear of the subject property. It will be accessible to tavern patron's only though the tavern itself and not from the alley. The proposed special use is therefore designed to promote pedestrian safety and comfort.

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

³ Section 4-60-130(c) of the Municipal Code of the City of Chicago.

Applicant's proposed Findings of Fact, covering the specific criteria for a special use pursuant to Sections 17-13-0905-A Chicago Zoning Ordinance.

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

1. The special use shall be issued solely to the Applicant;
2. Development shall be consistent with the design and layout of the plans and drawings dated February 28, 2019, prepared by the Applicant;
3. A ten foot (10') high fence shall be installed at all sides of the rear of the subject property; and
4. The Applicant shall enter into a plan of operation for the liquor license the Applicant needs to operate the patio. Such plan of operation shall set out, but need not be limited to, the things the Applicant shall do to abate noise and drunkenness.

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: 6148 Milwaukee, Inc.

CAL NO.: 225-19-S

APPEARANCE FOR: John Sugrue

MINUTES OF MEETING:
April 19, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 6148 N. Milwaukee Avenue

NATURE OF REQUEST: Application for a special use to expand an existing tavern with an outdoor patio.

ACTION OF BOARD-

Split vote, two for and two against. Pursuant to *Melrose Park National Bank v. Zoning Board of Appeals of the City of Chicago*, matter is continued to May 17, 2019 at 9:00 AM for vote by fifth board member.

THE VOTE

MAY 20 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
	X	
	X	
X		
		X

APPROVED AS TO SUBSTANC



CHAIRMAN

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

APPLICANT: Erica Velecia **CAL NO.:** 226-19-Z
APPEARANCE FOR: Same as Applicant **MINUTES OF MEETING:**
April 19, 2019
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2624 N. McVicker Avenue

NATURE OF REQUEST: Application for a variation to reduce the north setback from the required 2.66' to 1.66' for a proposed rear one-story addition to the existing single family residence.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

MAY 20 2019
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

FARZIN PARANG
 SHAINA DOAR
 SYLVIA GARCIA
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
	X	
X		
X		
X		
		X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 19, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the north setback to 1.66' for a proposed rear one-story addition to the existing 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: Avondale Bowl, LLC

CAL NO.: 227-19-Z

APPEARANCE FOR: Ashley Brandt

MINUTES OF MEETING:

APPEARANCE AGAINST: None

April 19, 2019

PREMISES AFFECTED: 3118 N. Milwaukee Avenue

NATURE OF REQUEST: Application for a variation to establish a public place of amusement license to serve a proposed bowling alley.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

MAY 20 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 19, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a public place of amusement license to serve a proposed bowling alley; 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



MAY 20 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

A.I.M. (Art in Motion)

APPLICANT

228-19-S

CALENDAR NUMBER

7401-45 S. East End Avenue

PREMISES AFFECTED

April 19, 2019

HEARING DATE

ACTION OF BOARD

THE VOTE

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

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

**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE SPECIAL USE APPLICATION FOR 7401-45 S.
EAST END AVENUE BY A.I.M. (ART IN MOTION)**

I. BACKGROUND

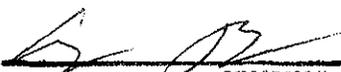
A.I.M. (Art in Motion) (the "Applicant") submitted a special use application for 7401-45 S. East End Avenue (the "subject property"). The subject property is currently zoned C1-2 and is improved with a multi-tenant commercial office building containing approximately 123,000 square feet (the "building"). The Applicant proposed to use approximately 40,000 square feet of the building to operate a performing arts based high school for grades 7 – 12 (the "high school"). To permit this, the Applicant sought a special use. In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City's Department of Planning and Development recommended approval of the high school, provided that: (1) the special use was issued solely to the Applicant; and (2) the development was consistent with the design and layout of the plans and drawings dated April 19, 2019, prepared by the Applicant.

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's special use application at its regular meeting held on March 15, 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 had submitted its proposed Findings of Fact. The Applicant's board president Dr. Karen Ratliff and its attorney Ms. Carol Stubblefield were present. The Applicant's MAI certified real estate appraiser Ms. Kathleen Dart and its proposed director for the high school Ms. Kara May were present. Testifying in opposition to the application were Mr. Ronnie Baker, Ms. Gwen Baker and Mr. George Blakemore (collectively, the "Objectors"). With the exception of certain portions of Mr. Blakemore's testimony, the statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

The Applicant's attorney Ms. Carol Stubblefield gave a brief overview of the Applicant's application.

The Applicant presented the testimony of its board president Dr. Karen Ratliff.

The Applicant presented the testimony of its MAI certified real estate appraiser Ms. Kathleen Dart. The ZONING BOARD OF APPEALS recognized Ms. Dart's credentials as an expert in real estate appraisal.

The Applicant presented the testimony of its proposed director for the high school Ms. Kara May.

Mr. Ronnie Baker and Ms. Gwen Baker, both of 1723 E. 74th Street, testified in opposition to the application.

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

In response to the Objectors' testimony, Dr. Ratliff and Ms. May provided further testimony.

B. Criteria for a Special Use

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

III. FINDINGS OF FACT

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

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

The subject property is located in a C1-2 zoning district. The Applicant's proposed high school is a special use in a C zoning district.¹ The Applicant is seeking no other relief from the Chicago Zoning Ordinance. It is only the special use that brings it before the ZONING BOARD OF APPEALS. Since the ZONING BOARD OF APPEALS has decided to grant the special use to the Applicant, the Applicant's proposed special use therefore complies with all applicable standards of the Chicago Zoning Ordinance.

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

The proposed special use is in the interest of the public convenience as it will allow for the Applicant to establish its performing arts based high school. As testified by Dr. Ratliff, there are currently no performing arts organizations or businesses in the area. The proposed special use will not have a significant adverse impact on the general welfare of the neighborhood. As set forth in Ms. Dart's report, the proposed special use will have a positive impact as it will provide a needed educational service to the area. Property values will not be detrimentally affected. The proposed special use will not impede development or investment in the area. In fact, the proposed special use will assist in stabilizing occupancy at the subject property.

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

The proposed special use will be located in the existing building. As set forth in Ms. Dart's report and as shown on the Applicant's plans, no new exterior construction or design change is contemplated for the building for the proposed special use. The interior space will be renovated to comply with all Chicago Public School ("CPS") and City codes. Therefore, the proposed special use is compatible with the character of the surrounding area in terms of site planning and building scale and project design.

¹ Section 17-3-0207-M of the Chicago Zoning Ordinance.

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

As set forth in Ms. Dart's report, the subject property is bordered to the north and south by commercial use and to the east and west by residential use. The operations of the proposed special use will not be incompatible with either of these uses. The subject property has adequate on-site parking and has good access to public transportation ensuring that the proposed special use is compatible with the character of the surrounding area in terms of traffic generation. The Applicant's students will either arrive by car or by public transportation. The subject property is expansive and all ingress and egress to the proposed special use will occur through the parking lot itself. Therefore, ingress and egress for the proposed special use will not cause any traffic back-up on East End Avenue, 74th Street or 75th Street. Further, the Applicant will work with CPS, the City and the Alderman's office to ensure that its student drop-off and pick-up schedule will prioritize student safety, neighborhood traffic flow and community needs. The proposed special use's hours of operation will be 6:00 AM – 7:00 PM on weekdays. Regular school hours will be between 8:00 AM – 4:00 PM, but the Applicant will operate after school arts programming as well as tutoring. There will also be occasional weekend events. Such hours and days of usage are compatible not only with the nearby commercial use but also the nearby residential use. As noted above, the proposed special use will be located inside the existing building and will not have any exterior design change. Thus, the proposed special use will not create any additional outdoor lighting. Since the proposed special use will be contained within the building, noise will not be an issue. If any noise is created by ingress and egress to the proposed special use, it will be contained in the subject property's parking lot.

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

As noted above, the proposed special use will be located within the existing building which has a substantial on-site parking lot. The on-site parking lot is accessed from the east side of East End Avenue. It has one curb-cut that is clearly designated. The subject property has sufficient on-site parking, areas for student drop-off and easily accessible entrances. The subject property also has wrought iron fencing along East End Avenue and 74th Street and has appropriate lighting and landscaping which will enhance pedestrian safety and comfort.

IV. CONCLUSION

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

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

1. The special use shall be issued solely to Applicant; and
2. Development shall be consistent with the design and layout of the plans and drawings dated April 19, 2019, prepared by the Applicant.

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

APPLICANT: Albany Bank and Trust Company ATUT#11-3320

CAL NO.: 229-19-Z

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:
April 19, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2016 N. Winchester Avenue

NATURE OF REQUEST: Application for a variation to reduce the north setback from the required 2' to .58' (south to be 2.91'), combined side setback from 4.8' to 3.49' for proposed third floor dormer addition and to lower the basement of the existing four dwelling unit building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

MAY 20 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

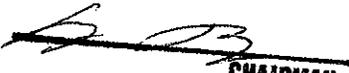
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 19, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the north setback to .58' (south to be 2.91'), combined side setback to 3.49' for proposed third floor dormer addition and to lower the basement of the existing four dwelling unit building; three additional variations were granted to the subject property in Cal. Nos. 230-19-Z, 231-19-Z, and 232-19-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: Albany Bank and Trust Company ATUT#11-3320

CAL NO.: 230-19-Z

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:
April 19, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2016 N. Winchester Avenue

NATURE OF REQUEST: Application for a variation to increase the existing floor area ratio from 3,330.39 square feet to 3,826.732 square feet (addition of 496.342 square feet) for a proposed third floor dormer addition and to lower the basement in the existing four dwelling unit building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

MAY 20 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 19, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to increase the existing floor area ratio to 3,826.732 square feet (addition of 496.342 square feet) for a proposed third floor dormer addition and to lower the basement in the existing four dwelling unit building; three additional variations were granted to the subject property in Cal. Nos. 229-19-Z, 231-19-Z, and 232-19-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: Albany Bank and Trust Company ATUT#11-3320

CAL NO.: 231-19-Z

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:
April 19, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2016 N. Winchester Avenue

NATURE OF REQUEST: Application for a variation to increase the height of the existing four dwelling unit building which is 30.83' in height by no more than 10% to 33.83' for proposed third floor dormer addition and to lower the basement of the existing building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

MAY 20 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 19, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to increase the height of the existing four dwelling unit building which is 30.83' in height by no more than 10% to 33.83' for proposed third floor dormer addition and to lower the basement of the existing building; three additional variations were granted to the subject property in Cal. Nos. 229-19-Z, 230-19-Z, and 232-19-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: Albany Bank and Trust Company ATUT#11-3320

CAL NO.: 232-19-Z

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:
April 19, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2016 N. Winchester Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear yard open space from the required 1,137 square feet to 678 square feet to provide three new parking spaces at the rear of the lot for the existing four dwelling unit building with proposed third floor dormer and a lowered basement.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

MAY 20 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 19, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear yard open space to 678 square feet to provide three new parking spaces at the rear of the lot for the existing four dwelling unit building with proposed third floor dormer and a lowered basement; three additional variations were granted to the subject property in Cal. Nos. 229-19-Z, 230-19-Z, and 231-19-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: The Philip R. H. Goldbroch 2018 Revocable Trust

CAL NO.: 233-19-Z

APPEARANCE FOR: Kate Duncan

MINUTES OF MEETING:

APPEARANCE AGAINST: None

April 19, 2019

PREMISES AFFECTED: 2854 W. Giddings Street

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 20.93' to 17.42', east setback from 6.09' to 1.37' (west to be 9.71'), combined side setback from 18.26' to 11.08 for a proposed three-story, single family residence with covered terrace and two unenclosed parking spaces.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

MAY 20 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
		X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 19, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the front setback to 17.42', east setback to 1.37' (west to be 9.71'), combined side setback to 11.08 for a proposed three-story, single family residence with covered terrace and two unenclosed parking spaces; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the 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: Paula and Kelley Thornton

CAL NO.: 234-19-Z

APPEARANCE FOR: Kate Duncan

MINUTES OF MEETING:

APPEARANCE AGAINST: None

April 19, 2019

PREMISES AFFECTED: 1238 W. Altgeld Street

NATURE OF REQUEST: Application for a variation to increase the existing floor area of 2,576 square feet to 2,956 square feet (209.5 square foot addition) for a propose garage addition, access stairway and a two-story addition to the existing single family residence.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

MAY 20 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 19, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to increase the existing floor area of 2,576 square feet to 2,956 square feet (209.5 square foot addition) for a propose garage addition, access stairway and a two-story addition to the existing single family residence; two additional variations were granted to the subject property in Cal. Nos. 235-19-Z and 236-19-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: Paula and Kelley Thornton **CAL NO.:** 235-19-Z
APPEARANCE FOR: Kate Duncan **MINUTES OF MEETING:**
April 19, 2019
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1238 W. Altgeld Street

NATURE OF REQUEST: Application for a variation to relocate the required 225 square feet of rear yard open space to a garage roof deck which will serve the existing two-story single family residence.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

MAY 20 2019
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

FARZIN PARANG
 SHAINA DOAR
 SYLVIA GARCIA
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 19, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to relocate the required 225 square feet of rear yard open space to a garage roof deck which will serve the existing two-story single family residence; two additional variations were granted to the subject property in Cal. Nos. 234-19-Z and 236-19-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: Paula and Kelley Thornton
APPEARANCE FOR: Kate Duncan
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1238 W. Altgeld Street

CAL NO.: 236-19-Z

MINUTES OF MEETING:
 April 19, 2019

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 28' to 2', west setback from 2.4' to zero east to be 0.79'), combined side setback from 6' to 0.79' for a proposed garage addition, access stairway and a two story addition to the existing single family residence.

**ACTION OF BOARD-
 VARIATION GRANTED**

THE VOTE

MAY 20 2019
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

FARZIN PARANG
 SHAINA DOAR
 SYLVIA GARCIA
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held April 19, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 2', west setback to zero east to be 0.79'), combined side setback to 0.79' for a proposed garage addition, access stairway and a two story addition to the existing single family residence; two additional variations were granted to the subject property in Cal. Nos. 234-19-Z and 235-19-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: Randall and Michelle Thomure **CAL NO.:** 237-19-Z
APPEARANCE FOR: Nicholas Ftikas **MINUTES OF MEETING:** April 19, 2019
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2032 N. Fremont Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 35' to 2', north setback from 2' to zero, south setback from 2' to zero, combined side setback from 5' to zero for a proposed two car garage, with roof deck, pool, rooftop trellis and access stair to serve the existing single family residence.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

MAY 20 2019
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

FARZIN PARANG
 SHAINA DOAR
 SYLVIA GARCIA
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held April 19, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 2', north setback to zero, south setback to zero, combined side setback to zero for a proposed two car garage, with roof deck, pool, rooftop trellis and access stair to serve the existing 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: Susan Kamin

CAL NO.: 238-19-Z

APPEARANCE FOR: John Pikarski

MINUTES OF MEETING:
April 19, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 5800 N. Overhill Avenue

NATURE OF REQUEST: Application for a variation to reduce the north setback from the required 8.4' to 8.07', south setback from 8.4' to 5.98', combined side setback from 25.22' to 14.05' for a proposed second floor addition and front open porch to the existing single family residence.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

MAY 20 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 19, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the north setback to 8.07', south setback to 5.98', combined side setback to 14.05' for a proposed second floor addition and front open porch to the existing single family residence; George Blakemore of Chicago, Illinois testified in opposition; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE



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

APPLICANT: 2805 Eastwood, LLC

CAL NO.: 528-18-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
April 19, 2019

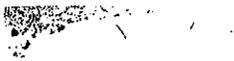
APPEARANCE AGAINST: None

PREMISES AFFECTED: 2805 W. Eastwood Avenue

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 54.417' to 28.093', east setback from 4' to 3' (west to be 4'), combined side setback from 9' to 7', rear setback from 33.60' to 28.093', rear yard open space from 400 square feet to 268 square feet for a proposed two-story, single family residence.

**ACTION OF BOARD-
VARIATION WITHDRAWN**

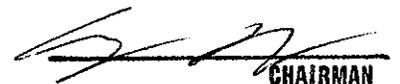
THE VOTE


MAY 20 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

APPROVED AS TO SUBSTANCE


CHAIRMAN

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



JUL 22 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

Peter Paraskevoulakos
APPLICANT

642-18-Z
CALENDAR NUMBER

4707 N. Talman Avenue
PREMISES AFFECTED

April 19, 2019
HEARING DATE

ACTION OF BOARD

THE VOTE

The application for the variation is denied.

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

**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE VARIATION APPLICATIONS FOR 4707 N
TALMAN AVENUE BY PETER PARASKEVOULAKOS.**

I. BACKGROUND

Peter Paraskevoulakos (the "Applicant") submitted a variation application for 4707 N. Talman Avenue. The subject property is currently zoned RS-3 and is currently improved with a two-story story building (the "building"). The building contains three dwelling-units. However, City records show that only two dwelling-units are legally established. The Applicant proposed to legalize the third dwelling-unit. The third dwelling-unit is a basement or garden unit. To permit this legalization, the Applicant sought a variation pursuant to Section 13-1003-BB¹, which reads as follows:

"In the case of building permit applications for the repair, remodeling, and/or alteration of buildings that have been in lawful existence for 50 or more years, containing not more than 6 dwelling units, sought to correct Notices of Violation cited by the Department of Buildings, or for the voluntary rehabilitation of such structures, in which there is evidence that the building has been converted, altered or used for a greater number of dwelling units than existed at the time of its construction, the Zoning Administrator is authorized to approve an administrative adjustment to

¹ The ZONING BOARD OF APPEALS is authorized to grant a variation for any matter expressly authorized as an administrative adjustment pursuant to Section 17-13-1101-A of the Chicago Zoning Ordinance.

APPROVE As to Substantive

CHAIRMAN

make zoning certification of the increased density, not to exceed more than 1 unit above its original construction, upon review of documented evidence supporting such increase in density.”

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 April 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 pursuant to Section 17-13-0108-A of the Chicago Zoning Ordinance. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure, the Applicant had submitted his proposed Findings of Fact. The Applicant Mr. Peter Paraskevoulakos was present. The Applicant's wife Ms. Katina Paraskevoulakos was also present. The Applicant's attorney Mr. Nick Ftikas was present as was the Applicant's architect Mr. Daniel Durkin and engineer Mr. George Koliarakis. Testifying in opposition to the application were Ms. Susan King, Mr. Tony May, and Mr. George Blakemore. Prior to the hearing, Ms. King and Mr. May had submitted a Statement of Objection. With the exception of Mr. Blakemore's testimony, the statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

The attorney for the Applicant Mr. Nick Ftikas provided a brief overview of the Applicant's requested variation. He submitted and the ZONING BOARD OF APPEALS accepted into the record the building's 1947 water records, showing that in 1947 the building had two dwelling-units.

The Applicant presented the testimony of his wife Ms. Katrina Paraskevoulakos.

The Applicant presented the testimony of his architect Mr. Daniel Durkin.

The Applicant presented the testimony of his engineer Mr. George Koliarakis.

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

Ms. Susan King, of 4711 N. Talman, testified in opposition to the application.

In response to Ms. King's testimony, the Applicant Mr. Peter Paraskevoulakos testified that prior to 2016, the building had been improved with two dwelling units. He testified that in 2016, he separated the building's basement from the first floor unit and created a third dwelling unit.

Ms. King then provided further testimony.

Mr. Tony May, also of 4711 N. Talman, testified in opposition to the application.

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

Mr. Ftikas then made a closing statement.

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 and Ms. King and Mr. May's Statement of Objection, the ZONING BOARD OF APPEALS hereby makes the following findings

with reference to the Applicant's application for a variation pursuant to Section 17-13-1107-A of the Chicago Zoning Ordinance:

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

Strict compliance with the regulations and standards of the Chicago Zoning Ordinance requires that the building remain a two dwelling unit building.² This is not a practical difficulty or particular hardship for the subject property because the subject property was legally improved with a two-dwelling unit building from 1947 until 2015. It was not until 2016 that the Applicant – without a building permit for the work and contrary to the Chicago Zoning Ordinance – illegally converted the building's basement into a third dwelling unit.

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

The requested variation does not promote the public health, safety and general welfare pursuant to Section 17-1-0501 of the Chicago Zoning Ordinance. Instead, the requested variation would allow a dwelling unit built without a building permit and contrary to the Chicago Zoning Ordinance to remain on the subject property.

Further, 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 does not find that strict compliance with the regulations and standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships for the subject property, the requested variation is 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 and Ms. King and Mr. May's Statement of Objection, the ZONING BOARD OF APPEALS hereby makes the

² See Section 17-2-0207 of the Chicago Zoning Ordinance.

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 can yield a reasonable return if permitted to be used only in accordance with the standards of the Chicago Zoning Ordinance.*

The subject property has been improved with a two-dwelling unit building since at least 1947. In fact, the Applicant purchased the subject property as improved with a two-dwelling unit building in 1972 because – as Mr. Paraskevoulakos testified – it was not until 2016 that the Applicant converted the basement into a third dwelling unit. The subject property can therefore yield a reasonable rate of return as two-dwelling unit building, especially as the block is made up mostly of two-flats and as the subject property itself is located in the middle of a low-density residential zoning district.

2. *To the extent there are practical difficulties or particular hardships, they are not due to unique circumstances and are generally applicable to other similarly situated property.*

The Applicant created the third dwelling unit in 2016 when he – without a building permit for the work and contrary to the Chicago Zoning Ordinance – converted the basement. This is not a unique circumstance as any owner of commercial residential property could – without a building permit and contrary to the Chicago Zoning Ordinance – illegally convert a building's basement to add an additional dwelling unit.

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

For over 60 years, the subject property has been legally improved with a two-dwelling unit building. As Mr. May testified, the majority of the block is improved with two dwelling unit buildings. Moreover, the subject property itself is located within a large low-density residential neighborhood.³ If the variation were granted, the third dwelling unit would be allowed to remain on the subject property. This would alter the essential low-density character of the neighborhood.

After careful consideration of the evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact and Ms. King and Mr. May's Statement of Objection, the ZONING BOARD OF APPEALS hereby makes the following findings

³ The vast majority of the neighborhood is zoned RS-3, meaning that only detached homes and two-dwelling unit buildings are permitted in the neighborhood.

with reference to the Applicant's application for a variation pursuant to Section 17-13-1107-C of the Chicago Zoning Ordinance:

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

There is nothing about the subject property's physical surroundings or shape that results in particular hardship upon the Applicant. The Applicant's architect argued that the subject property's topographical condition (i.e., the existence of the third dwelling unit) constituted a particular hardship upon the Applicant. However, a particular hardship does not mean "that a piece of property would be better adapted for a forbidden use than for the one which is permitted." *River Forest State Bank & Trust Co. v. Zoning Bd. of Appeals of Maywood*, 34 Ill.App.2d 412, 419 (1st Dist. 1961). In this case, the Applicant chose to convert the basement into a third dwelling unit in 2016 despite the fact that he had not received a building permit for such a conversion and despite the fact that such third dwelling unit was contrary to the Chicago Zoning Ordinance. Thus the topographical condition of the subject property cannot be a hardship.

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

The alleged practical difficulty or particular hardship in this instance is the third-dwelling unit. The Applicant created this alleged practical difficulty or particular hardship when he created the third dwelling unit in 2016.

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

Granting the variation will allow the third dwelling unit to remain in the building. The third dwelling unit has increased the amount of garbage in the neighborhood which has, in turn, increased the amount of rats in the neighborhood. The ZONING BOARD OF APPEALS finds Mr. May to be a very credible witness.

4. *The variation will endanger the public safety.*

As noted above, granting the variation will allow the third dwelling unit to remain in the building. As also noted above, the third dwelling unit has increased the amount of garbage in the neighborhood which has, in turn, increased the amount of rats in the neighborhood. This endangers the public safety.

IV. CONCLUSION

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

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

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

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

APPLICANT: Grief Properties, Inc.

CAL NO.: 76-19-Z(B)

APPEARANCE FOR: Rolando Acosta

MINUTES OF MEETING:

APPEARANCE AGAINST: None

April 19, 2019

PREMISES AFFECTED: 1638 N. Sedgwick Street

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 25.93' to 9.45', north from 2' to zero (south to be 3.33'), combined side setback from 4.80' to 3.33' for a proposed four-story, two dwelling unit building and an existing two car garage.

ACTION OF BOARD- VARIATION GRANTED

THE VOTE

MAY 20 2019 CITY OF CHICAGO ZONING BOARD OF APPEALS

FARZIN PARANG SHAINA DOAR SYLVIA GARCIA SAM TOIA AMANDA WILLIAMS

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

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 19, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the front setback to 9.45', north to zero (south to be 3.33'), combined side setback to 3.33' for a proposed four-story, two dwelling unit building and an existing two car garage; George Blakemore of Chicago, Illinois testified in opposition; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

Signature of Chairman

CHAIRMAN

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



JUN 24 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

Thorntons, Inc.

APPLICANT

84-19-S

CALENDAR NUMBER

**2335-61 W. Ogden Avenue/2300-36 W. 13th Street/
1230-52 S. Oakley Avenue**

PREMISES AFFECTED

April 19, 2019

HEARING DATE

ACTION OF BOARD

THE VOTE

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

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

**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE SPECIAL USE APPLICATION FOR 2335-61 W.
OGDEN AVENUE/2300-36 W. 13TH STREET/1230-52 S. OAKLEY AVENUE BY
THORNTONS, INC.**

I. BACKGROUND

Thorntons, Inc. (the "Applicant") submitted a special use application for 2335-61 W. Ogden Avenue/2300-36 W. 13th Street/1230-52 S. Oakley Avenue (the "subject property"). The subject property is currently zoned C1-2 and is currently vacant. The Applicant proposed to erect a gas station on the subject property. To permit this, the Applicant sought a special use. In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City's Department of Planning and Development (the "Department") recommended approval of the proposed gas station provided that: (1) the special use was issued solely to the Applicant; and (2) development was consistent with the design and layout of the plans and drawings dated November 27, 2018, including the landscape plan dated January 25, 2019, all prepared by Kimley-Horn & Associates, Inc. (the "Plans").

II. PUBLIC HEARING

A. The Hearing

APPROVED AS TO SUBSTANCE


CHAIRMAN

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's special use application at its regular meeting held on April 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 pursuant to Section 17-13-0108-A of the Chicago Zoning Ordinance. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure, the Applicant had submitted its proposed Findings of Fact. The Applicant's senior development manager Mr. Drew Zazofsky and its attorney Mr. Jim Griffin were present. The Applicant's MAI certified real estate appraiser Mr. Mike Wolin, its professional civil engineer Mr. Eric Tracy and its traffic engineer Mr. Luay Abona were present. The president of the subject property's owner Mr. Michael Nortman was also present. The Assistant Zoning Administrator Mr. Steven Valenziano testified on behalf of the Department. Testifying in opposition to the application were Alderman Jason C. Ervin (the "Alderman"), Mr. Gregory Kirsch, Mr. Miguel Norton, Ms. MaryLu Cianciolo, Ms. Dayna Stinson, Mr. David Benes, Ms. Adelia Benes, Mr. Tony Haddad, Mr. Michael Bautista and Mr. Daniel Cedillo (collectively, the "Objectors"). The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

The Applicant's attorney Mr. Jim Griffin provided a brief overview of the Applicant's proposed special use.

The Applicant presented the testimony of its senior development manager Mr. Drew Zazofsky.

The Applicant presented the testimony of its MAI certified real estate appraiser Mr. Mike Wolin. The ZONING BOARD OF APPEALS recognized Mr. Wolin's credentials as an expert in real estate appraisal.

The Applicant presented the testimony of its civil engineer Mr. Eric Tracy. The ZONING BOARD OF APPEALS recognized Mr. Tracy's credentials as an expert in civil engineering.

The Applicant presented the testimony of Mr. Michael Nortman.

The Applicant presented the testimony of its traffic engineer Mr. Luay Abona. The ZONING BOARD OF APPEALS recognized Mr. Abona's credentials as an expert in traffic engineering.

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

The Alderman testified in opposition to the application.

In response to the Alderman's testimony, Mr. Wolin provided further testimony.

Mr. Gregory Kirsch, of 815 S. Leavitt, testified in opposition to the application.

Based on Mr. Kirsch's testimony, the Alderman provided further testimony.

In response to this testimony, Mr. Nortman provided further testimony.

In response to questions from the Alderman and the ZONING BOARD OF APPEALS, Mr. Abona and Mr. Zazofksy provided further testimony.

Mr. Kirsch then continued his testimony in opposition of the application. He submitted and the ZONING BOARD OF APPEALS accepted into the record sixteen (16) emails in opposition to the application.

Ms. MaryLu Cianciolo, of 2323 W. Grenshaw, testified in opposition to the application.

In response to her testimony, Mr. Nortman provided further testimony.

Ms. Dayna Stinson, of 903 S. Oakley, testified in opposition to the application.

Mr. David Benes, of 1318 S. Oakley, testified in opposition to the application.

Ms. Adelia Benes, also of 1318 S. Oakley, testified in opposition to the application.

Mr. Tony Haddad, of 2401 W. Ogden, testified in opposition to the application.

Mr. Miguel Bautista, 2457 W. Grenshaw, testified in opposition to the application.

Mr. Daniel Cedillo, of 1310 S. Heath, testified in opposition to the application.

In response to the Objectors' testimony, Mr. Nortman testified that the Applicant had agreed to amend the Plans so that the two diesel bays at the rear of the proposed gas station were removed.

The ZONING BOARD OF APPEALS then suspended the hearing on the matter so that the Applicant could provide such amended Plans to both the ZONING BOARD OF APPEALS and the Objectors.

When the ZONING BOARD OF APPEALS recalled the matter, Mr. Griffin stated that the Applicant had amended the Plans to eliminate the diesel pumps that were located adjacent to the corner of 13th Street and S. Oakley Avenue (the "Diesel Pumps"). He then submitted and the ZONING BOARD OF APPEALS accepted into the record a copy of these amended plans (the "Amended Plans").

The Alderman testified that he had seen the Amended Plans but that he did not feel they addressed the Objectors' concerns.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Zazofksy, Mr. Abona, Mr. Nortman and Mr. Wolin provided testimony as to the Amended Plans. In particular, in addition eliminating the Diesel Pumps, the Applicant had also eliminated the proposed entrance to the Diesel Pumps on 13th Street and the proposed exit from the Diesel Pumps on S. Oakley Avenue.

The Alderman reiterated the Objectors' opposition to the application.

Assistant Zoning Administrator Mr. Steven Valenziano testified that the Department would amend its recommendation to conform to the Amended Plans.

B. Criteria for a Special Use

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

III. FINDINGS OF FACT

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

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

The subject property is zoned C1-2. As a gas station is a special use in a C1-2 zoning district, the Applicant requires a new special use. The Applicant is seeking no other relief from the Chicago Zoning Ordinance. It is only the special use that brings it before the ZONING BOARD OF APPEALS. Since the ZONING BOARD OF APPEALS has decided to grant the special use to the Applicant, the Applicant's proposed special use therefore complies with all applicable standards of the Chicago Zoning Ordinance.

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

The proposed special use is in the interest of the public convenience because it will allow a new gas station with a modern 4400 square foot convenience store, ample parking and ample drive aisle clearances to be built on a vacant piece of property. Further, the proposed special use will not have a significant adverse impact on the general welfare of the neighborhood or community as shown by the testimony of Mr. Zazofsky, the testimony of and report by Mr. Wolin, and the testimony of and report by Mr. Abona. For instance, because the proposed special use will be well-operated, it will not diminish property values in the area. In addition, because the proposed special use is well-designed, it will not negatively impact traffic in the area.

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

As testified to by Mr. Wolin and as set forth in greater detail in his report, the area is surrounded by commercial uses, including a Mobil gas station with a drive-through Dunkin' Donuts at 2401 W. Ogden and a Shell gas station at 2401 W. Roosevelt to the west. Fast food restaurants are present in the area, including a McDonald's directly to the north of the subject property. Other commercial uses include a medical cannabis facility located directly to the south of the subject property. There is also residential use to the south and east¹ of the proposed special use. As shown by the Amended Plans, the proposed renderings and the testimony of Mr. Zazofsky, the Applicant has taken great care to ensure that the site planning and building scale and project design of the proposed special use is compatible not only with the other commercial uses but also the residential use.

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

As noted above, the area is surrounded by commercial uses, including the nearby Mobil and Shell gas stations. The proposed special use will be compatible with these nearby commercial uses. Further, although the proposed special use will operate twenty-four hours a day, the Applicant has ensured that its outdoor lighting, noise and traffic generation will be compatible with the residential use to the south and east of the subject property. This may be seen in the testimony of Mr. Zazofsky, the testimony of and report by Mr. Wolin, and the testimony of and report by Mr. Abona.

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

¹ Though the subject property and the residential use to the east of the subject property are separated by vacant property owned by the Illinois Medical District.

As testified to by Mr. Abona, the majority of traffic to the proposed special use will utilize the existing access road from Ogden Avenue. The Amended Plans show that the existing access road has very good sight lines for both pedestrians and drivers. Further, although the Applicant will be providing an additional curb cut onto 13th Street, such curb cut will also have very good sight lines for both pedestrians and drivers. In addition, the Applicant will be providing extensive landscaping and the subject property will be well-illuminated.

IV. CONCLUSION

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

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

1. The special use shall be issued solely to Applicant; and
2. Development shall be consistent with the design and layout of the Amended Plans.

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

APPLICANT: Kathy Hardin Earl dba Amani Maskani House, Inc.

CAL NO.: 113-19-S

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
April 19, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 634 E. 72nd Street

NATURE OF REQUEST: Application for a special use to establish a transitional residence for up to ten adult female clients.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

MAY 20 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 19, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on February 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 transitional residence for up to ten adult female clients; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; George Blakemore testified in opposition; 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 Kathy Hardin Earl, and the development is consistent with the design and layout of the plans and drawings dated May 10, 2018, prepared by KASI Designs, P.C.

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: 1351 Damen, LLC

CAL NO.: 124-19-Z

APPEARANCE FOR: Elizabeth Santis

MINUTES OF MEETING:

April 19, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1351 N. Damen Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 22.5' to .25', south setback from 4.44' to .25' (north to be zero as allowed for an abutting alley) and to relocate the 216 square feet of rear yard open space to the garage roof deck for a proposed one-story attached three car garage with roof deck to serve the existing four-story, three dwelling unit building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE


MAY 20 2019
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

FARZIN PARANG
 SHAINA DOAR
 SYLVIA GARCIA
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 19, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on February 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 reduce the rear setback to .25', south setback to .25' (north to be zero as allowed for an abutting alley) and to relocate the 216 square feet of rear yard open space to the garage roof deck for a proposed one-story attached three car garage with roof deck to serve the existing four-story, three dwelling unit building; George Blakemore testified in opposition; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Beverage Art II dba Wild Blossom II Southworks Brewing Co. **CAL NO.:** 140-19-Z

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
April 19, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 9016-30 S. Hermitage Avenue

NATURE OF REQUEST: Application for a variation to establish a public place of amusement license to provide live entertainment and retail space within an existing brewery which is located within 125' of a residential district.

ACTION OF BOARD-
Continued to May 17, 2019 at 2:00 p.m.

THE VOTE



MAY 20 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Chicago Fuel, LLC

CAL NO.: 148-19-S

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:

April 19, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 43 N. Homan Boulevard

NATURE OF REQUEST: Application for a special use to establish a gas station with nine pumps and a one-story accessory retail building.

ACTION OF BOARD- APPLICATION APPROVED

THE VOTE

MAY 20 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 19, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 1, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a gas station with nine pumps and a one-story accessory retail 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; George Blakemore testified in opposition; 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 Chicago Fuel, LLC, and the development is consistent with the design and layout of the plans and drawings dated April 19, 2019, prepared by Axios Architects and Consultants.

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: 3741 W. Belmont, LLC

CAL NO.: 173-19-Z

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:

APPEARANCE AGAINST: None

April 19, 2019

PREMISES AFFECTED: 3743 W. Belmont Avenue

NATURE OF REQUEST: Application for a variation to reduce the minimum lot area from the required 14,000 square feet to 13,250 square feet for a proposed four-story building with ground floor retail and fourteen dwelling units above.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

MAY 20 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

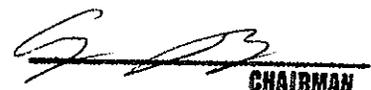
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 19, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 1, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the minimum lot area to 13,250 square feet for a proposed four-story building with ground floor retail and fourteen dwelling units above; an additional variation was granted to subject property in Cal. No. 172-19-Z; George Blakemore of Chicago, Illinois testified in opposition; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE


CHAIRMAN