

**ZBA  
MINUTES  
OCTOBER 20, 2017**

**APPLICANT:** Justin and Joslyn Jones **CAL NO.:** 574-17-Z

**APPEARANCE FOR:** Anna Kahriman **MINUTES OF MEETING:**

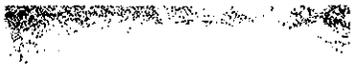
October 20, 2017

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3353 N. Seminary Avenue Unit 1

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 37.11' to 24' to allow a steel bridge walkway to access a garage roof deck from the existing three-story, three dwelling unit building.

**ACTION OF BOARD-  
VARIATION GRANTED**



**NOV 17 2017**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

**THE VOTE**

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
RECUSED		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 20, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2017; 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 24' to allow a steel bridge walkway to access a garage roof deck from the existing three-story, three 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  
121 North LaSalle Street  
Chicago, Illinois 60602  
TEL: (312) 744-3888



DEC 15 2017

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

**Total Outdoor Corp.**  
APPLICANT

**575-17-A**  
CALENDAR NUMBER

**1160 N. Clark Street**  
PREMISES AFFECTED

**October 20, 2017**  
HEARING DATE

**Nick Ftikas**  
APPEARANCE FOR APPLICANT

**Steven Valenziano**  
APPEARANCE FOR ZONING ADMINISTRATOR

**ACTION OF BOARD**

**THE VOTE**

The decision of the Zoning Administrator is reversed.

UPHELD      REVERSED      ABSENT

Blake Sercye, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Shaina Doar	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sol Flores	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Amanda Williams	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**FINDINGS OF THE ZONING BOARD OF APPEALS  
IN THE MATTER OF THE APPEAL OF A DECISION BY THE ZONING  
ADMINISTRATOR IN REFUSING TO PERMIT THE ESTABLISHMENT OF  
AN OFF-PREMISE ADVERTISING SIGN AT 1160 N. CLARK STREET BY  
TOTAL OUTDOOR CORP.**

**I. BACKGROUND**

Total Outdoor Corp. (the "Appellant") appealed the decision by the Office of the Zoning Administrator (the "Zoning Administrator"). The Zoning Administrator refused to permit the Appellant's 14' high by 48' long existing off-premise advertising sign (the "sign") at 1160 N. Clark (the "subject property") pursuant to Sections 17-12-1003-E, 17-12-1006-A, 17-12-1006-H, 17-16-0503, and 17-16-0504 of the Chicago Zoning Ordinance (the "Zoning Ordinance").

**II. PUBLIC HEARING**

**A. The Hearing**

APPROVED AS TO SUBSTANCE

CHAIRMAN

The ZONING BOARD OF APPEALS held a public hearing on the Appellant's appeal at its regular meeting of October 20, 2017, after due notice thereof as provided under Section 17-13-1206 of the Zoning Ordinance. The Appellant's representative Mr. Fred Mitchell and its attorney Mr. Nick Ftikas were present. Testifying on behalf of the Zoning Administrator was Mr. Steven Valenziano. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

Mr. Ftikas stated that the Appellant disagreed with the Zoning Administrator's decision to deny a permit to the sign at the subject property. He stated that while the sign could not be established under the current Zoning Ordinance, the sign – as it was established prior to the 1990 amendment of the Zoning Ordinance – has legal nonconforming status. He then provided to the ZONING BOARD OF APPEALS a series of photographs of the sign between the years 1988 and 2016 as well as a copy of a 1999 lease for the sign. He then reminded the ZONING BOARD OF APPEALS that under the 1957 Zoning Ordinance, painted wall signs did not receive permits. He reminded that it was not until the 1990 amendment to the Zoning Ordinance that the City implemented a system to permit painted wall sign. He stated that the Appellant had been able to locate the permit history for the privately owned light fixtures on the subject property. He stated that the earliest permit for these light fixtures was from 1980 and had been obtained by the Victor Sign Company. He stated that it was the Appellant's contention that this 1980 permit should have established legal nonconforming status for the sign because the sign and the light fixtures were legally established in accordance with the Zoning Ordinance in effect at that time. He stated that this position is consistent with the definition of nonconforming sign set forth in Section 17-17-02015 of the current Zoning Ordinance.

Mr. Ftikas again reiterated that it was the Appellant's position that as the sign was established prior to the 1990 amendment to the Zoning Ordinance, the sign was a legal nonconforming sign. He stated that as the Appellant had changed the sign from a painted wall sign to a vinyl sign, the Zoning Administrator had determined that this amounted to an unpermitted alteration. Mr. Ftikas argued that the Zoning Administrator's position was in direct conflict with the definition of painted wall signs.

Mr. Steven Valenziano stated it was indeed the Zoning Administrator's contention that the Appellant's sign went from a painted wall sign to a vinyl sign, there was an alteration to the sign. He stated that due to this alteration, there was a break in the nonconformity, and therefore, under the Zoning Ordinance, the Appellant's right to keep its nonconforming sign was lost. He stated that this is the intent of the Zoning Ordinance. He reminded the ZONING BOARD OF APPEALS that under Section 17-17-02133 the Zoning Ordinance, the definition of a painted wall sign was "a sign applied to a building wall with paint or a thin layer of vinyl, paper or similar material adhered directly to the building surface and that has no sign structure." In contrast, Section 17-17-02191 of the Zoning Ordinance defined a wall sign as "a single-faced sign attached flush to a building or other structure or a sign consisting of light projected onto a building or other

structure.” He then argued that because of these separate definitions, “adhere” and “attach” had separate meanings under the Zoning Ordinance.

Mr. Ftikas stated that the definition of a painted wall sign under Section 17-17-02133 of the Zoning Ordinance specifically included other materials – not just paint – that are applied to a wall. He stated that under the definition of “structural alteration (to a sign),” Section 17-17-02173 of the Zoning Ordinance does not include “ordinary masonry maintenance or repair, repainting an existing sign surface, including changes of message or image, exchanging painted or glued materials on painted wall signs, or exchanging displays panels of a sign through release and closing of clips or other brackets.” He stated that the Appellant believed a plain reading of Section 17-17-02173 support the Appellant’s position that the change from painted wall sign to vinyl sign did not amount to an unpermitted alteration.

In response, Mr. Valenziano stated that the Zoning Administrator disagreed with the Appellant’s reading of Section 17-17-02173. He stated that the “or” indicated that “exchanging painted and pasted or glue materials on painted wall signs” was a separate permitted alteration than “exchanging display panels of a sign through release and closing of clips or other brackets.” He then argued that “adhere” and “attach” had separate meanings under the Zoning Ordinance.

#### B. Criteria

Pursuant to Section 17-13-1201 of the Zoning Ordinance, the ZONING BOARD OF APPEALS is granted authority to hear and decide appeals when it is alleged there is an error in any order, requirement, decision or determination by the Zoning Administrator in the administration or enforcement of the Zoning Ordinance.

Pursuant to Section 17-13-1208 of the Zoning Ordinance, an appeal may only be sustained if the ZONING BOARD OF APPEALS finds that the Zoning Administrator erred. Pursuant to Section 17-13-1207 of the Zoning Ordinance, the Zoning Administrator’s decision must be granted a presumption of correctness by THE ZONING BOARD OF APPEALS, placing the burden of persuasion of error on the appellant.

### III. FINDINGS OF FACT.

After careful consideration of the evidence, testimony and the entire record, the ZONING BOARD OF APPEALS hereby makes the following findings with respect to the Applicant’s appeal:

1. The Board finds that the Zoning Administrator’s distinction between “adhered” painted wall signs in Section 17-17-02113 of this Zoning Ordinance and “attached” wall signs in Section 17-17-02191 of this Zoning Ordinance cannot be supported by the Merriam-Webster Dictionary definition of “adhere”.
2. The Board finds that since there is no distinction between “adhered” and

“attached” wall signs, the change from painted wall sign to vinyl wall sign did not structurally alter the sign as set forth under Section 17-17-02173 of the Zoning Ordinance as the change from painted wall sign to vinyl sign is specifically excluded from the definition of “structural alteration (to a sign)”. Instead, the alteration is a permitted “substitution of face” as set forth under Section 17-15-0504 of the Zoning Ordinance.

3. The Board finds that since the change from a painted wall sign to a vinyl wall sign is a permitted alteration under Section 17-15-0504, the Applicant’s sign qualifies for legal, nonconforming status under Section 17-15-0502 as the Applicant’s sign was lawfully established prior to June 12, 1990.

#### IV. CONCLUSION

For all of these reasons, the ZONING BOARD OF APPEALS finds that the Appellant has met its burden of persuasion that the Zoning Administrator has erred as required by Section 17-13-1208 of the Zoning Ordinance.

The ZONING BOARD OF APPEALS hereby reverses the decision of the Zoning Administrator, and the Zoning Administrator is authorized to permit the off-premise sign for the subject property.

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

APPLICANT: LILL 811 LLC CAL NO.: 576-17-S

APPEARANCE FOR: Katrina McGuire MINUTES OF MEETING:

October 20, 2017

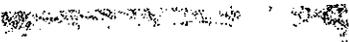
APPEARANCE AGAINST: None

PREMISES AFFECTED: 801-11 W. Lill / 2520-24 N. Halsted Street

NATURE OF REQUEST: Application for a special use to establish residential use below the second floor by adding three dwelling units to an existing nineteen dwelling unit building for a total of twenty-two dwelling units.

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**



**NOV 17 2017**

**CITY OF CHICAGO  
ZONING BOARD OF APPEALS**

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
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 October 20, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2017; 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 by adding three dwelling units to an existing nineteen dwelling unit building for a total of twenty-two dwelling units at the subject site; an additional special use was granted to the subject property in Cal. No. 577-17-S; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated July 10, 2017, including the site plan dated October 10, 2017, all prepared by Space Architects and Planners.

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:** Lill 811, LLC **CAL NO.:** 577-17-S

**APPEARANCE FOR:** Katrina McGuire **MINUTES OF MEETING:**

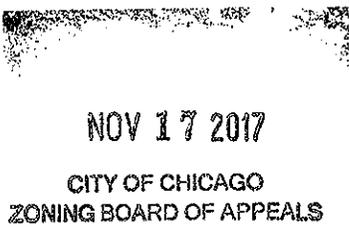
October 20, 2017

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 801-11 W. Lill / 2520-24 N. Halsted

**NATURE OF REQUEST:** Application for a special use to reduce the required parking spaces for a transit served location from the required ten spaces to four spaces for the addition of three additional dwelling units in an existing nineteen dwelling unit building. There will be a total of twenty-two dwelling units.

**ACTION OF BOARD-  
APPLICATION APPROVED**



**THE VOTE**

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
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 October 20, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the required parking spaces for a transit served location from the required ten spaces to four spaces for the addition of three additional dwelling units in an existing nineteen dwelling unit building. There will be a total of twenty-two dwelling units at the subject site; an additional special use was granted to the subject property in Cal. No. 576-17-S; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated July 10, 2017, including the site plan dated October 10, 2017, all prepared by Space Architects and Planners.

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

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

APPLICANT: Beverly Bank & Trust Co. an Illinois Chartered Bank

CAL NO.: 578-17-S

APPEARANCE FOR: Daniel Dowd

MINUTES OF MEETING:  
October 20, 2017

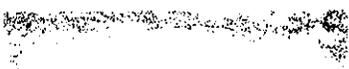
APPEARANCE AGAINST: None

PREMISES AFFECTED: 4334-42 S. Kedzie Avenue

NATURE OF REQUEST: Application for a special use to establish a three-lane, drive-through to serve a proposed bank.

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**



NOV 17 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
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 October 20, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2017; 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 three-lane, drive-through to serve a proposed bank at the subject site; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated May 16, 2017, including both the site and landscape plans dated September 12, 2017, all prepared by Partners by Design.

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

APPLICANT: Theodora Koutsougeras – Trim Bucktown Inc.

CAL NO.: 579-17-S

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:  
October 20, 2017

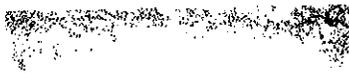
APPEARANCE AGAINST: None

PREMISES AFFECTED: 1629 N. Milwaukee Avenue

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

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**



NOV 17 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
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 October 20, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a massage establishment at the subject site; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject 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, Theodora Koutsougeras.

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:** Pheidas, Inc. d/b/a Deli Boutique Wind and Spirits

**CAL NO.:** 580-17-S

**APPEARANCE FOR:** Mark Burkland

**MINUTES OF MEETING:**  
October 20, 2017

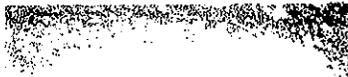
**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2318 N. Clark Street

**NATURE OF REQUEST:** Application for a special use to establish a liquor store.

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**



**NOV 17 2017**

**CITY OF CHICAGO  
ZONING BOARD OF APPEALS**

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
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 October 20, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2017; 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 liquor store at the subject site; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject 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, Pheidas, 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:** 2247 Lawrence, LLC

**CAL NO.:** 581-17-Z

**APPEARANCE FOR:** Michael Ezgur

**MINUTES OF MEETING:**  
October 20, 2017

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2245-49 W. Lawrence Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 30' to 18.41' for a proposed four story building with ground floor commercial use and twenty-four dwelling units above and six on-site parking spaces.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**



**NOV 17 2017**

**CITY OF CHICAGO  
ZONING BOARD OF APPEALS**

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

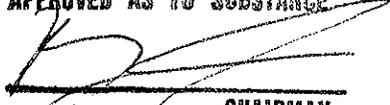
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 20, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 18.41' for a proposed four story building with ground floor commercial use and twenty-four dwelling units above and six on-site 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**

APPLICANT: Sandra Nunez

CAL NO.: 582-17-Z

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:  
October 20, 2017

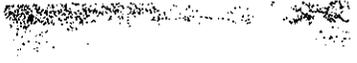
APPEARANCE AGAINST: None

PREMISES AFFECTED: 2532 W. 51<sup>st</sup> Street

NATURE OF REQUEST: Application for a variation to establish a Public Place of Amusement License to provide live entertainment, music, DJ and cover charge to a restaurant which is located within 125' of a residential district.

ACTION OF BOARD-  
Continued to November 17, 2017 at 9:00 a.m.

THE VOTE



NOV 17 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
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:** Bingham Trust **CAL NO.:** 583-17-Z  
**APPEARANCE FOR:** Mark Kupiec **MINUTES OF MEETING:**  
October 20, 2017  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 2124 N. Bingham Street

**NATURE OF REQUEST:** Application for a variation to reduce the front setback (facing North Stave Street) from the required 20' to zero for a proposed detached two car garage to serve a proposed three-story, three dwelling unit building.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

NOV 17 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
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 October 20, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2017; 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 (facing North Stave Street) to zero for a proposed detached two car garage to serve a proposed three-story, three dwelling unit building; an additional variation was granted to the subject property in Cal. No. 584-17-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:** Bingham Trust

**CAL NO.:** 584-17-Z

**APPEARANCE FOR:** Mark Kupiec

**MINUTES OF MEETING:**  
October 20, 2017

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2124 N. Bingham Street

**NATURE OF REQUEST:** Application for a variation to reduce the required off street parking from three spaces to two for a proposed three-story, three dwelling unit building.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

NOV 17 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
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 October 20, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the required off street parking to two spaces for a proposed three-story, three dwelling unit building; an additional variation was granted to the subject property in Cal. No. 583-17-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

**APPROVED AS TO SUBSTANCE**

  
CHAIRMAN

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

APPLICANT: Kinnar Patel; Leos Liquor 2 Inc.

CAL NO.: 585-17-S

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:  
October 20, 2017

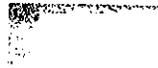
APPEARANCE AGAINST: None

PREMISES AFFECTED: 4471 W. Lawrence Avenue

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

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**



NOV 17 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
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 October 20, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2017; 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 liquor store at the subject site; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject 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, Kinnar Patel.

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

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

APPLICANT: Aurum Trading, LLC

CAL NO.: 586-17-S

APPEARANCE FOR: Andrew Scott

MINUTES OF MEETING:  
October 20, 2017

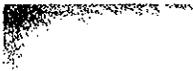
APPEARANCE AGAINST: None

PREMISES AFFECTED: 53 W. Jackson Boulevard

NATURE OF REQUEST: Application for a special use to establish a valuable objects dealer license.

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**



NOV 17 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
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 October 20, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2017; 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 valuable objects dealer license at the subject site; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject 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, Aurum Trading, 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  
121 North LaSalle Street  
Chicago, Illinois 60602  
TEL: (312) 744-3888



**NOV 17 2017**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

**Hail Investments, LLC**  
APPLICANT

**587-17-S, 588-17-Z  
& 589-17-Z**  
CALENDAR NUMBERS

**315 S. Jefferson Street**  
PREMISES AFFECTED

**October 20, 2017**  
HEARING DATE

**ACTION OF BOARD**

**THE VOTE (SPECIAL USE)**

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

	AFFIRMATIVE	NEGATIVE	ABSENT
Blake Sercye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Shaina Doar	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sol Flores	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Amanda Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**THE VOTE (VARIATIONS)**

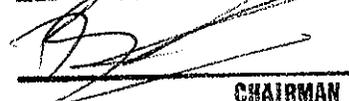
	AFFIRMATIVE	NEGATIVE	ABSENT
Blake Sercye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Shaina Doar	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sol Flores	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Amanda Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**FINDINGS OF THE ZONING BOARD OF APPEALS  
IN THE MATTER OF THE SPECIAL USE AND VARIATION APPLICATIONS  
FOR 315 S. JEFFERSON STREET BY HAIL INVESTMENTS, LLC**

**I. BACKGROUND**

Hail Investments, LLC (the "Applicant") submitted a special use application and two variation applications for 315 S. Jefferson (the "subject property"). The subject property is currently zoned DX-7 and is currently used as a non-accessory surface parking lot. The Applicant proposed to construct a 10-story building with 69 residential dwelling units and 5 automobile parking spaces (the "proposed building") on the subject property. To construct the proposed building, the Applicant sought a special use to reduce the minimum off-street parking requirements by less than 100% from forty-eight spaces to five. The Applicant also sought variations to: (1) reduce the rear setback from 30' to 15.28'; and (2) eliminate the one required loading berth. In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City's

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

Department of Planning and Development (“Department”) recommended approval of the proposed special use provided that the development was consistent with the design and layout of the plans and drawings dated July 27, 2017, prepared by Fitzgerald Associates Architects.

## II. PUBLIC HEARING

### A. The Hearing

The ZONING BOARD OF APPEALS held a public hearing on the Applicant’s special use and variation applications at its regular meeting held on October 20, 2017, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Sun-Times*. In accordance with the ZONING BOARD OF APPEALS’ Rules of Procedure, the Applicant had submitted its proposed Findings of Fact. The Applicant’s manager Mr. James D. Jann and its attorney Ms. Katriina McGuire were present. The Applicant’s architect Mr. Richard Whitney and its general certified real estate appraiser Mr. Peter Poulos were also present. Testifying in opposition to the applications were Ms. Diana Turowski, of 1812 S. Dearborn, and Ms. Geraldine Henderson, of 565 W. Quincy (collectively, the “Objectors”).

The Applicant’s attorney Ms. Katriina McGuire explained that the Applicant had conversations with the subject property’s immediate neighbors and with Alderman Reilly. She explained that these conversations resulted in the Applicant: (1) restricting the proposed building from having access to residential parking permits; and (2) providing parking for the Safer Foundation (“Foundation”) at a nearby lot so there is no damage to the Foundation’s vehicles during construction of the proposed building. She entered and the ZONING BOARD OF APPEALS received into evidence Alderman Reilly’s letter of support for the proposed building as well as a letter from the Applicant agreeing to restrict the proposed building from having access to residential parking permits.

The Applicant presented the testimony of its manager Mr. James D. Jann. Mr. Jann testified that he has experience developing and managing hundreds of multifamily rental units in the City. He testified that in his experience as a developer, he has seen a significant decline in the need for parking in residential developments similar to the proposed building. He testified that in order to provide more parking for the proposed building, additional floors would need to be constructed or the parking would need to be placed underground. He testified that due to the layout and the size of the subject property, additional floors would be very inefficient. He testified that additional floors would also increase the height of the proposed building. He testified that additional floors would render the Applicant’s proposed development incapable of earning a reasonable return.

The Applicant presented the testimony of its architect Mr. Richard Whitney. Mr. Whitney testified that he was a licensed architect in the State of Illinois and was the project architect for the proposed building. He testified that he had experience with multiple projects in the City that were similar to the proposed building. He testified that

if the Applicant were to design the proposed building with a full 30' rear setback, the resulting building would be much higher. He testified that providing a loading berth would reduce necessary commercial space. He testified that as the subject property is small, developing additional parking floors would result in inefficient floors as there would be a low return on parking. He testified that despite the fact that the Applicant was requested to waive a loading berth, the proposed building would have a space at the rear of the subject property for deliveries.

Mr. Whitney testified that the proposed building was compatible with the character of the surrounding area in terms of site planning, building scale and project design. He testified that many of the nearby buildings do not have rear yard setbacks. He testified that due to the subject property's proximity to transit, the parking condition is also compatible with the character of the surrounding area. He testified that the requested relief would not impair light or air or increase the risk of fire. He testified that he was aware of a letter from the residents at 565 W. Quincy and that said letter reflected their concerns that the proposed building would cast a shadow over the 8th floor deck at 565 W. Quincy. He testified that he did not believe the proposed building would cast a shadow over said floor deck as the proposed building would be over 200' away. He testified that except for the relief sought, the Applicant's proposed building complied with all applicable standards of the Chicago Zoning Ordinance. He testified that there is no height limit in a DX-7 zoning district and the Applicant could construct up to 94 dwelling units on the subject property. He testified that the requested relief would help with traffic conditions on Jefferson as a parking lot and curb cut onto Jefferson would be removed.

The Applicant presented the testimony of its general certified real estate appraiser Mr. Peter Poulos. The ZONING BOARD OF APPEALS recognized Mr. Poulos credentials as an expert in real estate appraisal. Mr. Poulos testified that he had reviewed the subject property and produced a report, including a transportation study, that had been submitted in the Applicant's proposed Findings of Fact indicating that the Applicant's proposed special use met all criteria set forth in the Chicago Zoning Ordinance. He then testified to the conclusions of his report.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Whitney further testified that the proposed building would have a 72-space bike parking room.

Ms. Diana Turowski, of 1812 S. Dearborn, testified in objection to the applications. She testified that she was the property manager of the 565 W. Quincy Condominium Association ("Association") and she had 41 letters of objection from Association members. She testified that she had previously met with Ms. McGuire and Mr. Jann and had been reassured that the proposed building would not block the Association's 8<sup>th</sup> floor deck. She testified that the Association still objected to the applications due to the fact the Applicant would only be providing 5 on-site parking spaces. She testified that while transit-oriented development sounded great in theory and indeed the Association's building generally had parking spaces that were not always full, she was concerned the proposed building would only have 5 on-site parking spaces for 69 dwelling units.

In response to questions by the ZONING BOARD OF APPEALS, Ms. Turowski further testified that out of the 189 parking spaces in the Association's building, perhaps 70% were utilized.

Ms. Geraldine Henderson, of 565 W. Quincy, testified that she also had concerns regarding parking. She testified that she was not as concerned about parking for those living in the proposed building but rather where those guests of said residents would park. She testified that while some of the immediate area was permit parking, much was metered parking and currently guests of 565 W. Quincy residents used these metered parking spaces. She testified that currently there is a lack of parking for those that visit.

In response to Ms. Turowski and Ms. Henderson's testimony as well as additional questions from the ZONING BOARD OF APPEALS, Mr. Poulos further testified that with the City's Transit Oriented District program, a lot of developments are either proposed or coming to fruition with reduced parking. He testified that this is the trend of the market as people coming in to rent units in developments such as the proposed building do not need parking. He testified that there have been many successful developments in the area with zero parking and there has been no effect on surrounding properties or leases or traffic congestion. He testified that the market is shifting in that millennials do not want to own cars and prefer such things as Zipcars, Divvy bikes and public transportation. He testified that for example, the Association has a 30% vacancy in its parking spaces, showing that while newer developments with reduced parking are coming on the market, parking spaces in older buildings are still remaining vacant.

In response to further questions from the ZONING BOARD OF APPEALS, Mr. Jann testified that he had developed condominium buildings as well as rental buildings. He testified that in his experience, parking ratios are traditionally higher for condominium buildings than for rental developments. He testified that for buildings such as the proposed building there is reduced parking due to its close proximity to transit. He testified that the tenants that are attracted to such buildings as the proposed building do not have cars and the people that come to visit them also do not have cars.

#### B. Criteria for a Special Use for Parking Reductions for Transit-Served Locations

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: (1) complies with all applicable standards of the Chicago Zoning Ordinance; (2) is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of the neighborhood or community; (3) is compatible with the character of the surrounding area in terms of site planning and building scale and project design; (4) is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation; and (5) is designed to promote pedestrian safety and comfort.

Pursuant to Section 17-13-0905-F(1) of the Chicago Zoning Ordinance, no special use application for the reduction of off-street parking requirements for residential and non-residential uses from the otherwise applicable standards by more than fifty percent (50%) as expressly authorized in Section 17-10-0102-B of the Chicago Zoning Ordinance, may be approved unless the ZONING BOARD OF APPEALS finds that the special use meets the general criteria of Section 17-13-0905 of the Chicago Zoning Ordinance and all of the following specific criteria: (a) the project complies with the applicable standards of Section 17-10-0102-B of the Chicago Zoning Ordinance; (b) the project complies with the standards and regulations of Section 17-3-0500 of the Chicago Zoning Ordinance pertaining to pedestrian streets and pedestrian retail streets, even if the project is not located along a pedestrian street or a pedestrian retail street; (c) the project complies with the general goals set forth in the Transit Friendly Development Guide: Station Area Typology, and any other station-specific plans, designs or guidelines adopted by the Chicago Plan Commission; (d) the Applicant will actively promote public transit and alternatives to automobile ownership through car sharing programs or other shared modes of transportation, such as funding the installation of new public bike-share (Divvy) docks or stations within or adjacent to the project site and the purchase of bikes for such docks or stations, subject to the review and approval of the Chicago Department of Transportation of such bike-share expenditures; and (e) the requested reduction will be offset by enhancements to the pedestrian environment that are not otherwise required, such as wider sidewalks, decorative pavement, trees, raised planters, outdoor seating, special lighting, bus shelters or other types of weather protection for pedestrians, transit information kiosks, or other pedestrian amenities.

Pursuant to Section 17-13-0905-F(2) of the Chicago Zoning Ordinance, no special use application for the reduction of off-street parking requirements for residential and non-residential uses from the otherwise applicable standards by more than fifty percent (50%) as expressly authorized in Section 17-10-0102-B of the Chicago Zoning Ordinance, may be approved unless the ZONING BOARD OF APPEALS considers the availability of on-street parking in the vicinity of the project.

#### 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.*

As noted in Mr. Poulos' report, the subject property is zoned DX-7 and is located approximately 470' from a Metra station. Thus, pursuant to Section 17-10-0102-B of the Chicago Zoning Ordinance, the subject property is a Transit Served Location, and the Applicant's request for a special use to reduce its required parking by more than 50% does comply 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.*

As noted in Mr. Poulos' report, the proposed special use is in the interest of the public convenience because it will allow additional residential units to be developed in an area of the City that is currently experiencing an increase in

demand for residential housing. Mr. Jann testified that due to the layout and size of the lot, providing on-site parking would be difficult and would, in fact, make the Applicant's proposed development unfeasible. Further, the proposed special use will not have a significant adverse impact on the general welfare of the neighborhood because as Mr. Poulos testified those renting in the proposed building do not need parking spaces as they do not have cars and prefer to utilize either public transportation or shared transportation.

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 incorporated into the Applicant's proposed building. As Mr. Poulos noted in his report, the Applicant's proposed mixed-use building is compatible with other mixed-use buildings in the area. The Applicant's proposed building is designed with first floor retail and upper floor dwelling units, which is typical of 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.*

The proposed special use will be incorporated into the Applicant's proposed building. The Applicant's proposed building will operate as other mixed-use buildings in the area and will have similar hours of operation, outdoor lighting and noise. Further, due to the subject property's proximity to public transportation, the proposed building's 72-space bike room, and the Applicant's agreement to not allow residents of the proposed building to receive permit parking, the proposed special use will not increase traffic generation in the area.

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

As noted above, the proposed special use will be incorporated into the Applicant's proposed building. The Applicant's proposed building will eliminate a parking lot and curb cut on Jefferson. This removal of a parking lot and a curb cut 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 special use pursuant to Section 17-13-0905-F(1) of the Chicago Zoning Ordinance:

1. *The project complies with the applicable standards of Section 17-10-0102-B of the Chicago Zoning Ordinance.*

The Applicant's proposed building is located 470' from a Metra station and therefore is entitled to a reduction of up to 50% of its required parking as a matter of right. In addition, the Applicant's proposed building will provide a 72-space bike room. Subject to the ZONING BOARD OF APPEALS granting the proposed special use, the Applicant's proposed building therefore complies with all applicable standards of 17-10-102-B of the Chicago Zoning Ordinance.

- 2. The project complies with the standards and regulations of Section 17-3-0500 of the Chicago Zoning Ordinance pertaining to pedestrian streets and pedestrian retail streets, even if the project is not located along a pedestrian street or a pedestrian retail street.*

As shown by site plan and as noted in the Applicant's proposed Findings of Fact, the proposed building will provide retail space on the ground floor and will feature a glass storefront system. The proposed building's façade will abut the sidewalk. No off-street parking will be located in the rear of the proposed building and all parking will be accessed from the alley.

- 3. The project complies with the general goals set forth in the Transit Friendly Development Guide: Station Area Typology ("Transit Friendly Development Guide"), and any other station-specific plans, designs or guidelines adopted by the Chicago Plan Commission.*

As set forth in Mr. Poulos' transportation study, the subject property is within 470' of a Metra station. It is also approximately 900' from the CTA's Clinton station. The Clinton station, as set forth in the Transit Friendly Development Guide is labeled a "Downtown Core" area. The Downtown Core area is characterized by its opportunities for infill development with dense residential uses to support the existing commercial and cultural uses in the vicinity. The Applicant's proposed project will add 69 residential dwelling units and thus fulfill the general goals of the Transit Friendly Development Guide.

- 4. The Applicant will actively promote public transit and alternatives to automobile ownership through car sharing programs or other shared modes of transportation, such as funding the installation of new public bike-share (Divvy) docks or stations within or adjacent to the project site and the purchase of bikes for such docks or stations, subject to the review and approval of the Chicago Department of Transportation of such bike-share expenditures.*

Ms. McGuire explained that the Applicant will restrict tenants of the proposed building from obtaining residential parking permits. Mr. Whitney testified that the Applicant will be providing a 72-space bike room.

5. *The requested reduction will be offset by enhancements to the pedestrian environment that are not otherwise required, such as wider sidewalks, decorative pavement, trees, raised planters, outdoor seating, special lighting, bus shelters or other types of weather protection for pedestrians, transit information kiosks, or other pedestrian amenities.*

Mr. Whitney testified that because the Applicant will be removing a parking lot and curb cut on Jefferson, traffic congestion will be reduced. This will improve the pedestrian experience near the proposed building.

After careful consideration of the evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, the ZONING BOARD OF APPEALS hereby makes the following findings with reference to the Applicant's application for a special use pursuant to Section 17-13-0905-F(2) of the Chicago Zoning Ordinance:

1. *The availability of on-street parking in the vicinity of the project is as follows:*

As noted in Mr. Poulos' transportation study, there is on-street public parking available on W. Jackson Boulevard between S. Clinton and S. Desplaines. There is also on-street public parking available on S. Jefferson between W. Quincy and W. Van Buren.

2. *The aforementioned availability of on-street parking in the vicinity of the project is evidenced by:*

Exhibit C-4 of Mr. Poulos transportation study.

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

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

As Mr. Whitney testified, the subject property is small and if either the full 30' rear setback or a loading berth were required to be provided, the Applicant would need to build additional floors. These additional floors would be namely to provide for the Applicant's on-site parking spaces. This would make the Applicant's proposed building more costly but said additional floors would have low return, making the Applicant unable to yield a reasonable return on its investment.

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

The requested variations allow for orderly and compatible land use and development patterns pursuant to Section 17-1-0508, as well as provide a range of housing choices and options pursuant to Section 17-1-0512.

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

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

As Mr. Jann testified, if the variations were not granted, the Applicant could not yield a reasonable return upon its investment. As explained in the Applicant's proposed Findings of Fact, the proposed building would almost be 15' shorter if the subject property could only be used in accordance with the standards of the Chicago Zoning Ordinance. This would be a reduction in the building footprint by approximately 2,300 square feet. Therefore, the requested variations are required to allow the Applicant to achieve the project density it is allowed under the DX-7 zoning classification.

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

As noted in the Applicant's proposed Findings of Fact, the subject property is generally surrounded by older buildings on much larger lots. The small lot size of the subject property is therefore a unique circumstance.

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

The proposed development will fit into the mixed-use character of the neighborhood. As Mr. Whitney testified, many of the surrounding buildings do not comply with the 30' rear setback. Further, as the Applicant will have a space in the rear of the proposed building for deliveries, the removal of the required loading berth will also not affect the neighborhood.

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

1. *The particular physical surroundings, shape or topographical condition of the specific property involved would 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.*

As noted above, the small lot size of the subject property results in particular hardship upon the Applicant.

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

The small lot size is not applicable generally to other property within the DX-7 zoning classification.

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

The variations are not based exclusively upon a desire to make more money out of the existing property but rather to develop the subject property in a way that fits within the neighborhood. If the Applicant were not granted the requested variations, it would have to develop the subject property with additional floors. Not only, as noted above, would this be very inefficient, but as noted in the Applicant's proposed Findings of Fact, it would have a less desirable impact on the other buildings in the neighborhood.

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

As the Applicant is only the contract purchaser for the property, it did not create the small size of the subject property.

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

The variations will allow the Applicant to provide a mixed-use building on a currently underutilized lot. As the proposed building will fit in with the other mixed-use buildings in the area, it will not be injurious to other property or improvements in the area. Further, as the proposed building will encourage public and shared transit use, the variations will not be detrimental to the public welfare.

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

The variations will not impair an adequate supply of light and air to adjacent property as very credibly testified to by Mr. Whitney. The variations will not impair congestion in the public streets as the Applicant will still be providing a place for on-site deliveries. The variations will not increase the danger of fire or endanger the public safety. Moreover, replacing a surface parking lot with new mixed-use construction will not diminish property values within the neighborhood.

#### 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 covering the specific criteria for a special use pursuant to Sections 17-13-0905-A and 17-13-0905-F 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 17-13-906 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 developed consistently with the design and layout of the plans and drawings dated July 27, 2017, prepared by Fitzgerald Associates Architects.

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

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

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

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

APPLICANT: Jennifer Pham CAL NO.: 590-17-S

APPEARANCE FOR: Same as Applicant MINUTES OF MEETING:

October 20, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 8149 S. Cottage Grove Avenue

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

ACTION OF BOARD- APPLICATION APPROVED

THE VOTE

NOV 17 2017 CITY OF CHICAGO ZONING BOARD OF APPEALS

BLAKE SERCYE SHAINA DOAR SOL FLORES SAM TOIA AMANDA WILLIAMS

Table with 3 columns: AFFIRMATIVE, NEGATIVE, ABSENT. Rows show affirmative votes for each member.

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 20, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2017; 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 at the subject site; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject 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):

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: Get it Now Tax, LLC

CAL NO.: 591-17-S

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:  
October 20, 2017

APPEARANCE AGAINST: None

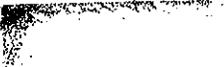
PREMISES AFFECTED: 3045 W. 63<sup>rd</sup> Street

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

**ACTION OF BOARD-**

Continued to November 17, 2017 at 9:00 a.m.

**THE VOTE**



NOV 17 2017

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
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: DSSG 13, LLC

CAL NO.: 592-17-Z

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:  
October 20, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1316 W. Wrightwood Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 30' to 21.67' for a proposed open bridge / catwalk to access a proposed garage roof deck.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

NOV 17 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
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 October 20, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2017; 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 21.67' for a proposed open bridge / catwalk to access a proposed garage roof deck; 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: Michael Grabowski CAL NO.: 593-17-Z

APPEARANCE FOR: Howard Kilberg MINUTES OF MEETING:

October 20, 2017

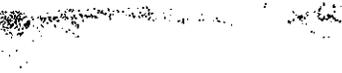
APPEARANCE AGAINST: None

PREMISES AFFECTED: 2037 W. School Street

NATURE OF REQUEST: Application for a variation to increase floor area ratio by no more than 6.78% from 4272.45 square feet to 4421.91 square feet with two, third floor dormer additions on the existing four story building to be deconverted from two dwelling units to a single family residence.

ACTION OF BOARD- VARIATION GRANTED

THE VOTE



NOV 17 2017 CITY OF CHICAGO ZONING BOARD OF APPEALS

BLAKE SERCYE SHAINA DOAR SOL FLORES SAM TOIA AMANDA WILLIAMS

Table with 3 columns: AFFIRMATIVE, NEGATIVE, ABSENT. Rows show 'X' marks for affirmative votes.

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 20, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2017; 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 floor area ratio by no more than 6.78% to 4421.91 square feet with two, third floor dormer additions on the existing four story building to be deconverted from two dwelling units to a single family residence; two additional variations were granted to the subject property in Cal. Nos. 594-17-Z and 595-17-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

Signature of Chairman and the word CHAIRMAN below it.

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

**APPLICANT:** Michael Grabowski **CAL NO.:** 594-17-Z  
**APPEARANCE FOR:** Howard Kilberg **MINUTES OF MEETING:**  
October 20, 2017  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 2037 W. School Street

**NATURE OF REQUEST:** Application for a variation to reduce the front setback from the required 14.77' to 11.44' for two, third floor dormer additions on the existing four-story, two dwelling unit building to be deconverted to a single family residence.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

NOV 17 2017  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

BLAKE SERCYE  
 SHAINA DOAR  
 SOL FLORES  
 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 October 20, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2017; 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 11.44' for two, third floor dormer additions on the existing four-story, two dwelling unit building to be deconverted to a single family residence; two additional variations were granted to the subject property in Cal. Nos. 593-17-Z and 595-17-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 SUBSTANTIVE**

  
**CHAIRMAN**

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

**APPLICANT:** Michael Grabowski **CAL NO.:** 595-17-Z  
**APPEARANCE FOR:** Howard Kilberg **MINUTES OF MEETING:**  
October 20, 2017  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 2037 W. School Street

**NATURE OF REQUEST:** Application for a variation to increase the height of the existing building by no more than 10% from 33.97' to 35' for two, third floor dormer additions to the existing four-story, two dwelling unit building to be deconverted to a single family residence.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

NOV 17 2017  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

BLAKE SERCYE  
 SHAINA DOAR  
 SOL FLORES  
 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 October 20, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2017; 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 building by no more than 10% to 35' for two, third floor dormer additions to the existing four-story, two dwelling unit building to be deconverted to a single family residence; two additional variations were granted to the subject property in Cal. Nos. 593-17-Z and 594-17-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

*[Signature]*  
 CHAIRMAN

**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

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



NOV 17 2017

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

**APC Towers II, LLC d/b/a APC Towers**

APPLICANT

**596-17-Z**

CALENDAR NUMBER

**2601 S. Archer**

PREMISES AFFECTED

**October 20, 2017**

HEARING DATE

**ACTION OF BOARD**

**THE VOTE**

The application for the variation is approved.

Blake Sercye  
Shaina Doar  
Sol Flores  
Sam Toia  
Amanda Williams

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

**FINDINGS OF THE ZONING BOARD OF APPEALS  
IN THE MATTER OF THE VARIATION APPLICATION FOR 2601 S. ARCHER  
AVE. BY APC TOWERS II, LLC D/B/A APC TOWERS**

**I. BACKGROUND**

APC Towers II, LLC d/b/a APC Towers (the "Applicant") submitted a variation application for 2601 S. Archer (the "subject property"). The subject property is currently zoned M2-2 and is currently improved with an existing building ("building"). The Applicant proposed to erect a 100' monopole tower ("tower") on the subject property. To permit said erection, the Applicant sought a variation to reduce the setback facing Mary Street from the required 20' to 5' and from the required 20' to 12.02' from the property line facing Archer Avenue.

**II. PUBLIC HEARING**

**A. The Hearing**

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's variation application at its regular meeting held on October 20, 2017, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Sun-Times*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure, the Applicant had submitted its proposed Findings of Fact. The Applicant's representative Mr. Daniel Agresta and its attorney Ms. Meg George were present. Mr. Michael Bieniek of LCC Telecon, Mr. Ramin Rohani of T-Mobile, and Alderman Patrick Thompson were also present. Testifying in opposition to

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**

the Applicant's application were Mr. Michael Zhou, of 2619 S. Green Street, Ms. Peng Wing, of 2516 S. Mary Street, Ms. Christy Lee, address unknown, Ms. Lin Chen, of 2891 S. Hillcock, Mr. Glenn Zhen, of 2816 S. Poplar Street, Mr. Kin Mui, of 2808 S. Poplar Street, Mr. Bryce Ng, address unknown, Ms. Susan Leon, of 2800 S. Poplar, and Ms. Linda Mui, of 2808 S. Poplar Street (collectively, "Objectors"). The Objectors ignored multiple requests from the ZONING BOARD OF APPEALS to refrain from offering irrelevant testimony, and thus the statements and testimony given during the public hearing were not in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

The ZONING BOARD OF APPEALS first explained to the Objectors that the Applicant was not seeking permission to locate its tower on the subject property. Due to the zoning classification of the subject property, the tower could be built as of right. The ZONING BOARD OF APPEALS then stated that the ZONING BOARD OF APPEALS therefore could only consider arguments made with respect to the variation and could not consider any objections to the tower itself.

The Applicant presented the testimony of its representative Mr. Daniel Agresta. Mr. Agresta testified that he was the chief executive officer of the parent of the Applicant. He testified that he is responsible for all operations, business development, profits and loss, and forecasting for the Applicant. He testified that he is familiar with the subject property as T-Mobile contacted the Applicant that a tower was needed in the area. He testified that his employees used T-Mobile search parameters to identify the subject property and then reached out the subject property's owner to discuss a long-term lease. He testified that the Applicant has since entered into a long-term lease for the subject property.

The Applicant presented the testimony of Mr. Ramin Rohani. Mr. Rohani testified that he is employed by T-Mobile as a radiofrequency engineer and is authorized by T-Mobile to speak on behalf of the application. He testified that T-Mobile computer modeling determined the need for additional coverage in the area, and so T-Mobile determined that it needed a tower on the subject property. He testified that no existing wireless communications facility located in the geographical area meet the engineering needs and requirements of T-Mobile. He testified that the proposed tower is designed to meet said needs and requirements. He testified that by placing the tower on the subject property, there will be more reliable coverage in the area.

The Applicant presented the testimony of Mr. Michael Bieniek. Mr. Bieniek testified that he is the zoning director of LCC Telecom Services. He testified that he has been employed by LCC Telecom Services for approximately six years and is certified by the American Institution of Certified Planners. He testified that he was engaged by the Applicant to review the subject property from a planning perspective. He testified that the building on the subject property comprises most of the subject property. He testified that the subject property is located adjacent to the Stevenson Expressway and is located within an industrial area. He testified that the subject property is zoned for manufacturing and the manufacturing zoning classification allows for wireless

communication towers such as the tower. He testified that T-Mobile would be the lead carrier for the tower. He testified that the tower would be located at the corner of the building along Mary Street and S. Archer Avenue. He testified that by placing the tower at this location on the subject property, the base of the tower will be shielded from the pedestrian level. He testified that this would reduce the impact of the tower, but that placing the tower at this location required the requested variation. He testified that the tower would be designed to meet or exceed all current standards of the Federal Communications Commission ("FCC") and the Federal Aviation Commission. He then testified as to how the Applicant met all necessary criteria for a variation.

Mr. Michael Zhou testified that he and his fellow Objectors objected to the erection of the tower due to the tower's radio frequency emissions.

The ZONING BOARD OF APPEALS reminded the Objectors that the underlying zoning classification of the subject property allowed the tower to be erected as of right. The ZONING BOARD OF APPEALS then explained that the Telecommunications Act of 1996, 47 U.S.C.A. ch. 5, subch. III, § 332(c)(7)(B)(iv) (West 2016), did not allow local governments to regulate the placement and construction of wireless facilities on the basis of environmental effects of radio frequency emissions to the extent that such facilities comply with the FCC's regulations concerning such emissions.

Despite the ZONING BOARD OF APPEALS explanation regarding federal preemption of the issue, Ms. Peng Wing and Ms. Lin Chen testified as to their concerns that the tower's emissions would affect their health.

Mr. Glenn Zhen testified that building the tower was not good for the long-term development of the community.

Mr. Bryce Ng and Mr. Kin Mui then questioned the Applicant as to the structural safety of the tower.

Mr. Bieniek testified that while he was not a licensed engineer, the Applicant had a licensed engineer that put the site together.

The Applicant's attorney Ms. Meg George explained that should the variation be granted, the Applicant would have to obtain permits from the City's Department of Buildings ("Buildings"). She explained that Buildings' structural engineers would review all the Applicant's structural engineer's drawings. She explained that to obtain a permit, a licensed structural engineer would have to sign all of the Applicant's drawings. She reiterated that Buildings' structural engineers would review all drawings submitted by the Applicant for the tower.

The ZONING BOARD OF APPEALS then stated that the structural engineering of the tower was a question for Buildings and was not before the ZONING BOARD OF APPEALS.

Mr. Ng then asked if the subject property's zoning classification allowed for erection of the tower.

The ZONING BOARD OF APPEALS again explained that the subject property's underlying zoning classification allowed for the erection of the tower as a matter of right. The ZONING BOARD OF APPEALS explained that the issue before it was whether or not to grant the Applicant's request for a variation to reduce the subject property's required setbacks. The ZONING BOARD OF APPEALS explained that the Chicago Zoning Ordinance allowed the Applicant to come before the ZONING BOARD OF APPEALS and present its case as to why said variation should be granted.

Mr. Ng then testified that the tower would be located near Palmisano and McGuane Parks (collectively, the "Park") and that he did not believe a tower should be located near the north end of the Park.

The ZONING BOARD OF APPEALS then requested the Applicant discuss how far the tower would be from the Park.

Ms. George explained that the Applicant's placement of the tower was located as far from the Park as possible.

The ZONING BOARD OF APPEALS asked if the tower could perhaps be moved further to the northeast on the subject property.

Ms. George explained moving the tower further to the northeast would result in further encroachment by the tower into the setback.

Ms. Linda Mui testified that she believed the tower would affect the beauty of the Park.

The ZONING BOARD OF APPEALS then asked how close the tower would be to the Park.

Mr. Zhou testified that it was something like 200 feet.

In response to the Objectors' testimony, Ms. George reminded that the subject property is zoned for manufacturing in a long-time manufacturing zone and that a wireless communication facility such as the tower is an allowed use under the manufacturing zoning classification. Ms. George stated from the pictures before the ZONING BOARD OF APPEALS, it was clear that the building on the subject property already had a 0' foot setback. She stated that the building across the street from the subject property also had a 0' foot setback. She stated that the Applicant's requested setback reduction was thus in keeping with the character of the neighborhood.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Bieniek further testified that the Applicant would be removing a portion of the building's wall and

roof to install the tower. He testified that if the Applicant were to move the tower's location further into the building (i.e., out of the setback), the foundation of the building would conflict with the foundation of the tower. He testified that this would make the tower less safe because its foundation would be competing with the building's foundation and that this could lead to structural failure. He testified that the Applicant had looked into the possibility moving the tower's location and structurally reinforcing the building's foundation, but that the Applicant's structural engineer had stated it was not possible.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Rohani further testified as to why T-Mobile believed the subject property was the best location for its needs.

Alderman Thompson then testified that he had held a community meeting on the Applicant's application in an attempt to correct the misinformation regarding the health dangers of wireless communication facilities. He then clarified that the Park is not accessible from the subject property. He testified that there is no access from the subject property to the Park because directly south of the subject property is the former Sterns Quarry. He testified that the former Sterns Quarry is now a pond located in the northwest corner of the Park. He testified that along Archer Avenue and the Stevenson Expressway there are 150 foot lights that illuminate both Archer Avenue and the Stevenson Expressway. He testified that the Applicant's tower would be only 100 feet and, therefore, would have a very limited impact on the aesthetics of the surrounding community. He further testified that the Applicant's proposed variation would only enhance cell phone coverage in the community. He testified that the subject property is located in a manufacturing district and therefore the tower is permitted as of right.

#### 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.*

As Mr. Bieniek testified, due to the building on the subject property, strict compliance with the subject property's setbacks facing Mary Street and Archer Avenue would result in the foundation of the Applicant's tower conflicting with the foundation of the building. This would make the tower less safe as it could result in structural failure of the tower.

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

The requested variation maintains orderly and compatible land use and development patterns pursuant to Section 17-1-0508 because the subject property is located in a long-time manufacturing district and wireless communication facilities like the Applicant's tower are permitted as of right in manufacturing districts.

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.*

Mr. Bienick testified that without the variation, the Applicant could not erect the tower on the subject property. As Mr. Rohani testified, due to T-Mobile's radiofrequency engineering requirements, the Applicant needs to erect the tower on the subject property.

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

The existing building on the subject property and T-Mobile's radiofrequency engineering requirements are unique circumstances not generally applicable to other manufacturing property.

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

The subject property is located in a long-time manufacturing district and is adjacent to the Stevenson Expressway. Archer Avenue acts a frontage road in this location. The existing building on the subject property has a 0' setback. The building across the street from the subject property also has a 0' setback. As Alderman Thompson testified, due the subject property's proximity to the Stevenson Expressway, there are 150' lights. Moreover, the base of the tower will be located within the existing building, mitigating any aesthetic impact on pedestrians.

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.*

As noted above, the existing building on the subject property prohibits the Applicant to locate its tower on the subject property without the requested variation. As T-Mobile's radiofrequency engineering requirements require that the Applicant erect a tower on the subject property, requiring the Applicant to abide by the subject property's setback facing Mary Street would result in particular hardship as distinguished from mere inconvenience.

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

The existing building on the subject property and T-Mobile's radiofrequency engineering requirements are unique circumstances not generally applicable to other property within the M2-2 zoning classification.

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

As Mr. Bienieck testified, the purpose of the variation is to safely construct the tower on the subject property. Further, the location of the tower improves T-Mobile's coverage.

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

The building existed prior to the Applicant leasing the subject property.

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

As noted above, the existing building on the subject property already has a 0' setback. The building across the street from the subject property also has a 0' setback. Although the subject property is located in a manufacturing area and along a frontage road, the base of the tower will be located within the existing building and thus the building will shield the tower from any potential pedestrians. Further, as noted by Alderman Thompson, the tower will be some 50' shorter than the streetlights on the Stevenson Expressway. For all of these reasons, the variation will not be detrimental to public welfare or improvements in the area.

- 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.*

Since the existing building on the subject property already has a 0' setback and the tower will be located within said building, the base of the tower will be shielded and the variation will not: (1) impair an adequate supply of light and air to adjacent properties; or (2) increase congestion in the public streets. Further, as the Buildings' structural engineers will review the Applicant's engineering drawings, the variation will not increase the danger of fire or endanger the public safety. The variation will also not substantially diminish or impair property

values within the neighborhood because, as noted above, the existing building on the subject property already has a 0' setback.

#### IV. CONCLUSION

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

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

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

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

APPLICANT: Sam Sanchez

CAL NO.: 346-17-S

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:  
October 20, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3524 N. Clark Street

NATURE OF REQUEST: Application for a special use to establish an outdoor roof top patio on an existing one story restaurant.

ACTION OF BOARD-  
APPLICATION WITHDRAWN

THE VOTE

NOV 17 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

*[Signature]*  
CHAIRMAN

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

APPLICANT: Claudia Marchan CAL NO.: 386-17-Z

APPEARANCE FOR: Same as Applicant MINUTES OF MEETING: October 20, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 5749 W. Fullerton Avenue

NATURE OF REQUEST: Application for a variation to establish a public place of amusement license for a proposed banquet hall which shall be located within 125' of a residential zoning district.

ACTION OF BOARD- Continued to January 19, 2018 at 2:00 p.m.

THE VOTE

NOV 17 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

*[Signature]*  
CHAIRMAN

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

APPLICANT: Claudia Marchan CAL NO.: 387-17-S

APPEARANCE FOR: Same as Applicant MINUTES OF MEETING:

October 20, 2017

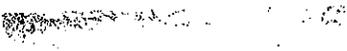
APPEARANCE AGAINST: None

PREMISES AFFECTED: 5717 W. Fullerton Avenue

NATURE OF REQUEST: Application for a special use to establish six required off-site parking spaces to serve a proposed banquet hall located at 5749 W. Fullerton Avenue.

ACTION OF BOARD-  
Continued to January 19, 2018 at 2:00 p.m.

THE VOTE



NOV 17 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

*[Signature]*  
CHAIRMAN

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

APPLICANT: 744 Buckingham Place, LLC

CAL NO.: 415-17-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:

October 20, 2017

APPEARANCE AGAINST: None

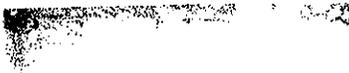
PREMISES AFFECTED: 742 W. Buckingham Place

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 8' to 3', combined side setback from 6.4' to 5.8', rear setback from 39.10' to zero for a proposed four-story, four dwelling unit building with a detached garage and one parking space carport.

ACTION OF BOARD-

Continued to November 17, 2017 at 2:00 p.m.

THE VOTE



NOV 17 2017

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

*[Signature]*  
CHAIRMAN

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

APPLICANT: 744 Buckingham Place, LLC

CAL NO.: 416-17-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:  
October 20, 2017

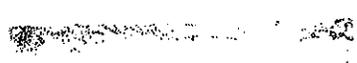
APPEARANCE AGAINST: None

PREMISES AFFECTED: 742 W. Buckingham Place

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 39.10'to zero, east setback from 2.6' to zero for a proposed detached four car garage and a one parking space carport.

ACTION OF BOARD-  
Continued to November 17, 2017 at 2:00 p.m.

THE VOTE



NOV 17 2017

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
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: 744 Buckingham Place, LLC

CAL NO.: 417-17-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:  
October 20, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 742 W. Buckingham Place

NATURE OF REQUEST: Application for a variation to reduce the rear yard open space from the required 276.26 square feet to zero for a proposed four car garage and a one parking space carport.

ACTION OF BOARD-  
Continued to November 17, 2017 at 2:00 p.m.

THE VOTE

NOV 17 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

*[Signature]*  
CHAIRMAN

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

**APPLICANT:** 2028 North Fremont, LLC **CAL NO.:** 494-17-Z

**APPEARANCE FOR:** Nicholas Ftikas **MINUTES OF MEETING:**

October 20, 2017

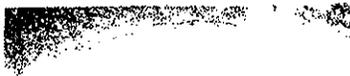
**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2028 N. Fremont Street

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 35' to 1.7', south setback from 4' to zero (north to be 0.36') combined side setback from 10' to 0.36' for a proposed one and two story rear addition, one car garage addition with roof deck, and screen walls and a masonry private fence on the existing three-story, single family residence.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**



**NOV 17 2017**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
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 October 20, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 1.7', south setback to zero (north to be 0.36') combined side setback to 0.36' for a proposed one and two story rear addition, one car garage addition with roof deck, and screen walls and a masonry private fence on the existing three-story, single family residence; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

*[Signature]*  
**CHAIRMAN**

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

APPLICANT: Raina 55<sup>th</sup> Ryan, LLC

CAL NO.: 506-17-S

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:  
October 20, 2017

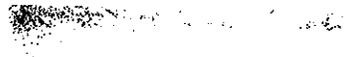
APPEARANCE AGAINST: None

PREMISES AFFECTED: 255-57 W. Garfield Boulevard

NATURE OF REQUEST: Application for a special use to establish a gas station which shall have a mini-mart and a drive-through to serve a proposed retail food use.

ACTION OF BOARD-  
APPLICATION WITHDRAWN

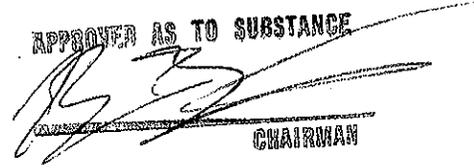
THE VOTE

  
NOV 17 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

  
CHAIRMAN

APPLICANT: Raina 55<sup>th</sup> Ryan, LLC

CAL NO.: 507-17-S

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:  
October 20, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 255-57 W. Garfield Boulevard

NATURE OF REQUEST: Application for a special use to establish a one lane drive-through to serve a proposed one-story gas station with a mini-mart and retail food use.

ACTION OF BOARD-  
APPLICATION WITHDRAWN

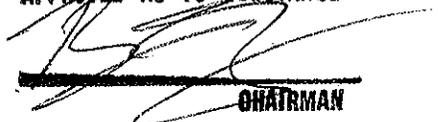
THE VOTE

NOV 17 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
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: Raina 55<sup>th</sup> Ryan, LLC

CAL NO.: 508-17-S

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:  
October 20, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 255-57 W. Garfield Boulevard

NATURE OF REQUEST: Application for a variation to reduce the minimum lot area from the required 20,000 square feet to 15,537 square feet for a proposed gas station with minimart and a one lane drive-through to serve a retail food use.

ACTION OF BOARD-  
APPLICATION WITHDRAWN

THE VOTE

NOV 17 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

*[Signature]*  
CHAIRMAN

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

APPLICANT: Steven Molo and Mary Molo

CAL NO.: 526-17-Z

APPEARANCE FOR: Gram Grady

MINUTES OF MEETING:  
October 20, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 341 W. Wellington Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 39.29' to zero, east setback from 5' to zero for a proposed 8' high privacy fence for the existing three-story, single family residence.

ACTION OF BOARD-  
Continued to November 17, 2017 at 9:00 a.m.

THE VOTE



NOV 17 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
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



**NOV 17 2017**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

**Chaulbul Pandey, Inc. d/b/a Liquor Expo**  
APPLICANT

**529-17-S**  
CALENDAR NUMBER

**2154 N. Halsted Street**  
PREMISES AFFECTED

**October 20, 2017**  
HEARING DATE

**ACTION OF BOARD**

**THE VOTE**

The application for the special use is approved.

Blake Sercye  
Shaina Doar  
Sol Flores  
Sam Toia  
Amanda Williams

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

**FINDINGS OF THE ZONING BOARD OF APPEALS  
IN THE MATTER OF THE SPECIAL USE APPLICATION FOR 2154 N.  
HALSTED STREET BY CHAULBUL PANDEY, INC. D/B/A LIQUOR EXPO**

**I. BACKGROUND**

Chaulbul Pandey, Inc. d/b/a Liquor Expo (the "Applicant") submitted a special use application for 2154 N. Halsted Street (the "subject property"). The subject property is currently zoned B3-2 and is currently improved with a three-story mixed-use building ("building"). The Applicant proposed to establish a liquor store on the first floor of the building. To establish said liquor store, the Applicant sought a special use to establish a packaged goods license at this location. In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City's Department of Planning and Development ("Department") recommended approval of the proposed special use.

**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 October 20, 2017, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Sun-Times*, and as continued without further notice as provided under Section 17-13-0108-A of the Chicago Zoning Ordinance. In accordance

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**

with the ZONING BOARD OF APPEALS' Rules of Procedure, the Applicant had submitted its proposed Findings of Fact. The Applicant's president Mr. Bhupendra Patel and its attorney Mr. Tyler Maniac were present. The Applicant's certified general real estate and MAI certified appraiser Mr. Mike Wolin was also present. Testifying in opposition to the application was Mr. A. Blair Hughes, of 822 W. Webster. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

The Applicant presented the testimony of its president Mr. Bhupendra Patel. Mr. Patel testified that he intended to sell beer, liquor, wine, cigarettes and lottery tickets at his proposed liquor store. He testified that he had submitted his plan of operations to both the ward alderman and the neighborhood association. He testified that this same plan of operations had previously been submitted to the ZONING BOARD OF APPEALS and that said plan accurately depicted how the Applicant would operate its proposed liquor store. He testified that he and his family had nine (9) liquor stores within the City and that within a 1.5 mile radius of the subject property, he and his family had three (3) liquor stores. He testified that he therefore had experience with employee management, customer service and delivery. He testified that he never had any issues with the City with respect to the operation of liquor stores. He testified that he would have four (4) employees at the proposed liquor store. He testified that he had met with the alderman, various neighborhood associations, and neighbors of the subject property. He testified that those neighbors he had met with were happy that he proposed to open a liquor store as the nearby liquor store was closing. He testified that if any issues arose, he would be willing to work with the community.

The Applicant presented the testimony of its general real estate and MAI certified appraiser Mr. Mike Wolin. The ZONING BOARD OF APPEALS recognized Mr. Wolin's credentials as an expert in real estate appraisal. Mr. Wolin testified that he investigated whether or not the proposed special use would hinder nearby property values. He testified that he had created a report of his findings which had previously been submitted to the ZONING BOARD OF APPEALS. He then testified as to how the Applicant's application met all the criteria for a special use. In particular, he testified that based on the Applicant's proposed hours of operation, plan of delivery of product, and security plan, he did not anticipate the proposed special use to be a problem for the community. He also concurred with Mr. Patel's testimony that the nearby liquor store in the area was up for sale.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Wolin testified that the Applicant's proposed hours of operations were: 11:00 AM – 11:00 PM, Monday – Saturday; 11:00 AM – 12:00 AM, Sunday.

Mr. A. Blair Hughes, of 822 W. Webster, testified in objection to the application. He testified that he believed that the proposed special use would have a significant adverse impact on the neighborhood as it was both near a daycare, a park and a high school. He testified that he believed the proposed special use would increase noise because the block of Halsted between Dickens and Webster closes down at 8:00 PM, except for a few

restaurants and a Starbucks that closes at 8:30 PM. He testified that he believed the Applicant's deliveries would occur on Webster and this would increase traffic congestion on Webster.

The ZONING BOARD OF APPEALS stated that Glascott Saloon ("Glascott's") is on the south corner of Halsted and Webster and was very near the subject property.

Mr. Hughes testified that this was indeed the case.

The ZONING BOARD OF APPEALS then inquired of Mr. Hughes the following: would not Glascott's have more patrons than a carry-out liquor stores as Glascott's was a pretty busy bar?

Mr. Hughes testified that Glascott's was indeed a bar. He testified that there was also McGee Tavern and Grill ("McGee's") in the area. He testified that there were lots of people going back and forth and the community does deal with noise. He testified that this was an issue and the proposed liquor store would bring more people into the community late at night. He testified that this would add to the noise in the area and not reduce it.

The ZONING BOARD OF APPEALS stated that it was trying to understand Mr. Hughes objections, as a carry-out liquor store would most likely have 2 to 3 patrons at a time while Glascott's had 40 - 60 patrons, and as the subject property is not located on a dead-end corner but instead on the west side of Halsted Street which is a commercial street that is zoned for business.

Mr. Hughes testified that this was true but that everything north of Café Ba-Ba-Reeba was pretty much closed at night, with the exception of a French restaurant. Consequently, he testified he did not believe the proposed special use was compatible with the hours of operation in the neighborhood. He testified that he did not see the need for a liquor store as there was both a Whole Foods grocery store and a 7-11 convenience store nearby.

In response to Mr. Hughes' testimony, Mr. Wolin further testified that there were several businesses in the neighborhood that were open after 8:30 PM. He testified that there was Ba-Ba-Reeba, 7-11, Glascott's and McGee's. He testified that both Glascott's and McGee's were located between 822 W. Webster and the subject property and that both were very busy operations.

In response to Mr. Hughes' testimony, Mr. Patel testified that he had other liquor stores in the area and these stores did not have a bad experience with crime. He testified that the Applicant had a 24 hour video surveillance system and that the Applicant always cooperated with the police. He testified that at his other stores, he had one delivery per week. He testified that said delivery was set up within a four (4) hour window. He testified that he would talk to the delivery company to ensure that deliveries were done on Halsted and not Webster.

In response to questions by the ZONING BOARD OF APPEALS regarding the Applicant's plan of operations, Mr. Patel testified that he would not be selling synthetic tobacco products only cigarettes such as Marlboro Lights and Parliament Lights.

#### 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.*

As noted in Mr. Wolin's report, the existing building on the subject property complies with all applicable standards of the Chicago Zoning Ordinance. The subject property is zoned B3-2. The Chicago Zoning Ordinance allows for the establishment of a packaged goods license in a B3-2 zoning district provided that said packaged goods license receives a special use from the ZONING BOARD OF APPEALS.

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 testimony of both Mr. Wolin and Mr. Hughes established that Halsted Avenue is a zoned for business and is a busy commercial street at this location. A liquor store at this location would therefore be in the interest of the public convenience as other than 7-11 and Whole Foods there is not a reliable liquor store in the neighborhood. Further, as very credibly testified to by Mr. Wolin, the Applicant's plan of operations will ensure that the proposed special use will not

have any detrimental effect on property values, and therefore the proposed special use will not have an 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 special use will be located within the existing building on the subject property. As noted by Mr. Wolin in his report, said building was erected in 1891. Using the first floor of the building for a liquor store – especially in this area of Halsted – is compatible with the character of the area in terms of site planning, 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.*

Again, Halsted Street is a busy commercial street at this location. Glascott's is located at the southwest corner of Halsted and Webster. Café Ba-Ba-Reeba and McGee's are also in close proximity. There is also a 7-11. Therefore, the Applicant's proposed hours of operations are compatible with the character of the surrounding neighborhood. As the Applicant's proposed use will be located within the existing building on the subject property, there will not be any change in the outdoor lighting. Further, with respect to noise and traffic generation, the Applicant proposes to have one delivery a week and will ensure that said delivery is kept on Halsted.

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

As the special use will be located within the existing building, it will not disrupt pedestrian safety and comfort. Further, the Applicant will ensure that product deliveries will occur on Halsted rather than Webster.

#### 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 the Zoning Administrator is authorized to permit said special use.

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

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

**MINUTES OF MEETING**

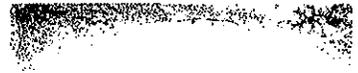
Date: October 20, 2017

Sylvia C. Michas, Attorney for the Applicant, presented a written request for an extension of time in which to establish an outdoor rooftop patio to serve a restaurant located at 2101-03 N. California Avenue. The special uses were approved on September 16, 2016 in Cal. No. 375-16-S.

Ms. Michas stated that the Applicant is in the process of obtaining the necessary building permits in order to establish the outdoor rooftop patio; however, due to a change in project architects, the process has been delayed and that the Applicant will not be able to obtain the necessary permits within the one year validity period.

Blake Sercye moved the request be granted and the time for obtaining the necessary permit be extended to September 22, 2018.

Yeas – Sercye, Doar, Williams    Nays – None.    Absent – Flores.    Recused – Toia.



**NOV 17 2017**

**CITY OF CHICAGO  
ZONING BOARD OF APPEALS**

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**

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

**APPLICANT:** Jeff Zehr and Maria Reese **CAL NO.:** 546-17-Z  
**APPEARANCE FOR:** Nicholas Ftikas **MINUTES OF MEETING:**  
October 20, 2017  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 2022 N. Dayton Street

**NATURE OF REQUEST:** Application for a variation to reduce the north setback from the required 2' to 0.23' (south to be 2.57'), combined side setback from 5' to 2.89' for a proposed rear two-story addition, side bay window addition at second floor, rear raised open patio for the existing two-story single family residence.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

NOV 17 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
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 October 20, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2017; 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 0.23' (south to be 2.57'), combined side setback to 2.89' for a proposed rear two-story addition, side bay window addition at second floor, rear raised open patio for the existing two-story single family residence; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

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

APPLICANT: 1937 S. Canalport, LLC

CAL NO.: 549-17-S

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:

October 20, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1935 S. Canalport Avenue

NATURE OF REQUEST: Application for a special use to establish residential use below the second floor.

ACTION OF BOARD-  
APPLICATION APPROVED

THE VOTE

NOV 17 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
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 September 15, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 1, 2017; 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 at the subject site; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject 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 June 9, 2017, all prepared by Hanna Architects, Inc.

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

APPROVED AS TO SUBSTANCE

  
CHAIRMAN

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

**APPLICANT:** Daniel Hosler **CAL NO.:** 557-17-Z

**APPEARANCE FOR:** Nicholas Ftikas **MINUTES OF MEETING:**  
October 20, 2017

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2141 N. Dayton Street

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 35' to 24' 8 7/8"', north setback from 2' to 1', combined side setback from 5' to 4' for a proposed three-story covered roof on an existing open deck and a one-story addition.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

**NOV 30 2017**  
**CITY OF CHICAGO**  
**ZONING BOARD OF APPEALS**

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
		X
X		
X		
X		
X		

**THE RESOLUTION:**

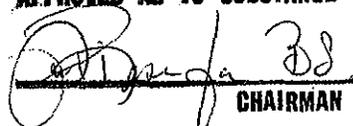
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 20, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2017; and

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 24' 8 7/8"', north setback to 1', combined side setback to 4' for a proposed three-story covered roof on an existing open deck and a one-story addition; an additional variation was granted to the subject property in Cal. No. 558-17-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.

\*Amended at hearing  
Scribener's error: Corrected 11/30/17.

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

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

**APPLICANT:** Daniel Hosler

**CAL NO.:** 558-17-Z

**APPEARANCE FOR:** Nicholas Ftikas

**MINUTES OF MEETING:**

**APPEARANCE AGAINST:** None

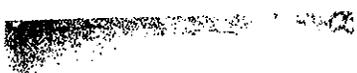
October 20, 2017

**PREMISES AFFECTED:** 2141 N. Dayton Street

**NATURE OF REQUEST:** Application for a variation to increase the area occupied by an accessory garage by no more than 10% from 480 square feet to 521.75 square feet.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**



**NOV 17 2017**

**CITY OF CHICAGO  
ZONING BOARD OF APPEALS**

BLAKE SERCYE

SHAINA DOAR

SOL FLORES

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 October 20, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2017; 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 area occupied by an accessory garage by no more than 10% to 521.75 square feet; an additional variation was granted to the subject property in Cal. No. 557-17-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.

\*Amended at hearing

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**

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

APPLICANT: Hastings Properties, LLC

CAL NO.: 564-17-Z

APPEARANCE FOR: William Banks

MINUTES OF MEETING:  
October 20, 2017

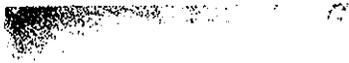
APPEARANCE AGAINST: None

PREMISES AFFECTED: 1804 N. Hudson Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback 34.44' to 22', the north setback from 2' to 0.33' (south to be 1.67'), combined 4.6' to 2' for a proposed three-story single family residence with roof top enclosure and a rear garage with an open stair and roof deck.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**



NOV 17 2017

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
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 October 20, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2017; 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 22', the north setback to 0.33' (south to be 1.67'), combined to 2' for a proposed three-story single family residence with roof top enclosure and a rear garage with an open stair and roof deck; 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:** Hastings Properties, LLC **CAL NO.:** 565-17-Z  
**APPEARANCE FOR:** William Banks **MINUTES OF MEETING:**  
October 20, 2017  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1810 N. Hudson Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the front setback from the required 12.29' to 9', rear setback from 34.44' to 22', north from 2' to 0.67' (south to be 1.33') combined side setback from 4.6' to 2' for a proposed three-story single family residence with roof top enclosure and garage with open stair and roof deck.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

NOV 17 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
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 October 20, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2017; 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', rear setback to 22', north to 0.67' (south to be 1.33') combined side setback to 2' for a proposed three-story single family residence with roof top enclosure and garage with open stair and roof deck; 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**

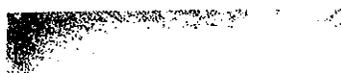
**ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905**

**APPLICANT:** All Star Management No. 45, Inc. **CAL NO.:** 566-17-S  
**APPEARANCE FOR:** Bernard Citron **MINUTES OF MEETING:**  
 October 20, 2017  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 8740 S. Lafayette Avenue

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

**ACTION OF BOARD-  
 APPLICATION APPROVED**

**THE VOTE**



**NOV 17 2017**  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

BLAKE SERCYE  
 SHAINA DOAR  
 SOL FLORES  
 SAM TOIA  
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
RECUSED		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 20, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a one-lane drive through to serve a proposed one-story fast food restaurant at the subject site; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject 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 both the site plan and the landscape plan dated October 16, 2017, both prepared by Watermark Engineering Resources, Ltd.

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:** Beverly Western Partners, Inc. **CAL NO.:** 569-17-S  
**APPEARANCE FOR:** Steven C. Bauer **MINUTES OF MEETING:**  
 October 20, 2017  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 10637 S. Western Avenue

**NATURE OF REQUEST:** Application for a special use to establish a dual lane drive-through to serve an existing fast food restaurant.

**ACTION OF BOARD-  
 APPLICATION APPROVED**

**THE VOTE**

NOV 17 2017  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

BLAKE SERCYE  
 SHAINA DOAR  
 SOL FLORES  
 SAM TOIA  
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
RECUSED		
X		

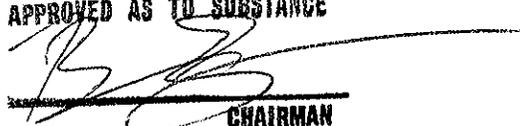
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 20, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2017; 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 dual lane drive-through to serve an existing fast food restaurant at the subject site; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject 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 June 9, 2017, prepared by Hague Architecture.

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: McDonald's USA, LLC

CAL NO.: 570-17-S

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:  
October 20, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2844 W. 47<sup>th</sup> Street

NATURE OF REQUEST: Application for a special use to establish a dual lane drive-through to serve a proposed fast food restaurant.

ACTION OF BOARD-  
Continued to November 17, 2017 at 9:00 a.m.

THE VOTE

NOV 17 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

*[Signature]*  
CHAIRMAN

**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

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



DEC 15 2017

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

**Episteme Luxury Condos, LLC**

APPLICANT

**391-17-S, 572-17-Z**

**& 573-17-Z**

CALENDAR NUMBERS

**1802 S. State Street**

PREMISES AFFECTED

**October 20, 2017**

HEARING DATE

**ACTION OF BOARD**

**THE VOTE**

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

Blake Sercye  
Shaina Doar  
Sol Flores  
Sam Toia  
Amanda Williams

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

**FINDINGS OF THE ZONING BOARD OF APPEALS  
IN THE MATTER OF THE SPECIAL USE AND VARIATION APPLICATIONS  
FOR 1802 S. STATE STREET BY EPISTEME LUXURY CONDOS, LLC**

**I. BACKGROUND**

Episteme Luxury Condos, LLC (the "Applicant") submitted a special use application and two variation applications for 1802 S. State Street (the "subject property"). The subject property is currently zoned C2-5 and is improved with a one-story commercial building. The Applicant proposed to raze said commercial building and construct a four-story, thirty-nine dwelling unit building with thirty-nine on-site parking spaces (the "proposed building"). To construct the proposed building, the Applicant sought a special use to establish residential use on the ground floor of the subject property. The Applicant also sought variations to: (1) reduce the rear setback from the required 30' to 10'; reduce the front setback from 8.9' to 2'; reduce the south setback from 1.18' to 0'; and (2) eliminate the one required loading berth. In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City's Department of Planning and Development ("Department") recommended approval of the proposed special use provided that the development was consistent with the design and layout of the plans and drawings dated September 25, 2017 and prepared by Space Architects and Planners.

**II. PUBLIC HEARING**

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**

## A. The Hearing

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's special use and variation applications at its regular meeting held on October 20, 2017, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Sun-Times*, and as continued without further notice as provided under Section 17-13-0108-A of the Chicago Zoning Ordinance. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure, the Applicant had submitted its proposed Findings of Fact. The Applicant's member Mr. Jeff Offett and its attorney Mr. Thomas S. Moore were present. The Applicant's architect Mr. Jay Keller and its MAI certified real estate appraiser Mr. Joseph M. Ryan were also present. Testifying in opposition to the applications were Ms. Cheryl Kennedy, of 1812 S. Federal Street, Ms. Joan Pluta, of 1812 S. Dearborn, Unit 4, and Ms. Diane Turowski, of 1812 S. Dearborn, Unit 45 (collectively, the "Objectors").

The Applicant's public hearing was originally scheduled for the ZONING BOARD OF APPEALS' October 20, 2017 morning session. However, due to two of the ZONING BOARD OF APPEALS' five members being absent at the time the Applicant's public hearing was called, the Applicant's attorney Mr. Thomas S. Moore requested that the Applicant's public hearing be moved to the ZONING BOARD OF APPEALS' October 20, 2017 afternoon session – when all five members would once again be present. The Objectors objected to this request. Pursuant to the Illinois Appellate Court's decision in *Melrose Park National Bank v. Zoning Board of Appeals of the City of Chicago*, 79 Ill.App.3d 56 (1st Dist. 1979), the ZONING BOARD OF APPEALS granted Mr. Moore's request, and the Applicant's public hearing proceeded at the ZONING BOARD OF APPEALS October 20, 2017 afternoon session.

At said afternoon session, the Applicant presented the testimony of its member Mr. Jeff Offett. Mr. Offett testified that the Applicant has been planning to develop the subject property for two (2) years. He testified that in addition to being a member of the Applicant he is also one of the owners of the subject property. He testified that while the subject property is zoned C2-5 and he could develop a large commercial building as of right, the subject property is bounded by the west and the south by a large residential planned development ("planned development"). He testified that the subject property is bounded at the north by a Chicago Transit Authority ("CTA") flyover. He testified that while public records show a half alley at the rear of the subject property, such half alley is currently improved with trees and plantings belonging to the planned development. He then showed the ZONING BOARD OF APPEALS a series of true and correct photographs showing the 15' that should be a half alley. He testified that as the Applicant did not wish to get into a lawsuit with the planned development, the Applicant decided to access the proposed building from the subject property's existing curb cut off of State Street. He testified that the Applicant had always planned the proposed building to be all residential because the neighborhood is all residential. He testified that the Applicant did originally propose a seven story building but that Alderman Pat Dowell ("Alderman") felt that a seven story building was too big in comparison to the planned development. He testified that in response to the Alderman's concerns, the Applicant

designed a four-story building. He then testified that the Alderman held a series of community meetings and based on the responses from the community, the Applicant designed the proposed building. He testified that the Alderman and the community had requested that the Applicant continue the trend started by the planned development of ample green space, and so the design for the proposed building contained the green space requested by the community and the Alderman. He testified that due to this and the situation with the alley, the requested variations were necessary. He testified that without the requested variations, the Applicant could not make a reasonable return on its investment.

In response to questions raised by the ZONING BOARD OF APPEALS, the Applicant's attorney Mr. Thomas S. Moore explained that as shown by the City's 80 acre map and the vacation ordinance for the alley, only the west half of the alley was vacated. Mr. Moore submitted and the ZONING BOARD OF APPEALS received into evidence true and accurate copies of said 80 acre map and vacation ordinance.

Mr. Offett then further testified that there is also a 15' x 25' section of the subject property that is not usable because the planned development has also improved it with landscaping and plantings.

The Applicant presented the testimony of its architect Mr. Jay Keller. Mr. Keller testified that his mandate from the Applicant was to design the proposed building in keeping with the surrounding properties. He testified that the area is residential and therefore the Applicant has designed the proposed building to be compatible with that residential character. He testified that the proposed building is four stories high, just as the planned development to the south and west of the subject property has four story high buildings. He testified that the proposed building will be comprised of two and three bedroom luxury condominium units. He testified that based on concerns from the community regarding the curb cut off of State Street, the Applicant has incorporated safety features such as a warning system and signs into its design for the proposed building.

Mr. Keller testified that at one time, the Applicant considered extending the existing curb cut to provide a loading dock but that the community voiced concerns. Nevertheless, he testified that the Applicant's existing driveway could support a panel van and that said panel van could back up directly to the proposed building's elevator. He testified that due to the request from the community and the Alderman for more green space, three more feet of landscaping were added to the front of the proposed building. He testified that in consequence, the Applicant's proposed building had to be moved back further into the lot which in turn necessitated the Applicant's request for the rear setback reduction. He testified that nevertheless there is approximately 60' between the face of the building next west and the face of the proposed building's second story condominium units. He testified that with respect to the property next south, the planned development did not follow setback rules as it was built as a planned development and thus contains an end wall. He testified that unlike a front or rear wall which are intended to provide light

and ventilation to dwelling units, end walls are typically blank walls. He testified that the planned development's end wall to the south of the subject property is such a blank wall.

The Applicant presented the testimony of its general certified real estate appraiser Mr. Joseph M. Ryan. Mr. Ryan testified that the trend of development in the south loop area is for residential development. He testified that a condominium building such as the proposed building on the subject property would have a positive effect on property values because it would follow this trend in development. He testified that the proposed building would also have a positive effect on property values because it would be replacing the current underdeveloped building on the subject property. He testified that commercial use at this location would be very isolated. He testified that he had reviewed all criteria necessary for a special use and found evidence to support each criterion in this case. He testified that with respect to the requests for variations, the variations would not be injurious to other property improvements in the neighborhood. He testified that under the zoning classification of the subject property, the Applicant could build a commercial building lot line to lot line. He testified that the proposed building would be built off the lot line and thus would not have an injurious effect.

Mr. Moore then submitted and the ZONING BOARD OF APPEALS accepted into the record Mr. Ryan's report.

Ms. Cheryl Kennedy, of 1812 S. Federal Street, testified in opposition to the applications. She submitted and the ZONING BOARD OF APPEALS accepted into the record a written statement of objection from the planned development's master association. She then testified as to her concerns regarding safety, privacy, aesthetics and traffic. In particular, she testified as to her concerns regarding potential traffic congestion due to the Applicant's State Street curb cut. She testified that the planned development's master association had offered to share its driveway with the Applicant.

In response to Ms. Kennedy's concerns, the ZONING BOARD OF APPEALS stated that due to the planned development's usurpation of the 15' half alley at the rear of the subject property, the Applicant had no choice but to access the subject property from its existing curb cut on State Street.

Ms. Joan Pluta, of 1812 S. Dearborn, Unit 4, testified in opposition to the applications. She testified that there is retail development in the area. She then testified as to her concerns regarding potential traffic congestion due to the Applicant's State Street curb cut. She testified that she also had concerns regarding the Applicant's request to reduce the setbacks.

In response to Ms. Pluta's concerns, the ZONING BOARD OF APPEALS again reminded that due to the planned development's usurpation of the 15' half alley at the rear of the subject property, the Applicant had no choice but to access the subject property from its existing curb cut on State Street. The ZONING BOARD OF APPEALS then stated that it appeared to it that some of the Applicant's hardship in this matter had been created by the planned development.

In response to questions from the ZONING BOARD OF APPEALS, Ms. Pluta testified that the planned development's homeowner's association landscaped the 15' half alley.

Ms. Diane Turowski, of 1812 S. Dearborn, Unit 45, testified that as the proposed building would be taller than the planned development and would have smaller unit sizes, she did not see how the proposed building would have a positive impact on surrounding property values. She testified that her property had recently reached the half million dollar mark and she did not understand how the smaller units of the proposed building would help her property values.

Ms. Kennedy then asked how the proposed building would handle garbage.

In response to Ms. Kennedy's question, Mr. Keller explained how garbage would be handled.

In response to Ms. Turowski's testimony, Mr. Ryan further testified that the proposed building was following the trend of development as the south loop neighborhood has transitioned from industrial to residential use. He testified that commercial uses at the subject property would include liquor store use, bar use, and restaurant use – all of which would be more injurious to value than residential use.

In response to further comments from Ms. Pluta regarding unit size, Mr. Ryan testified that he was discussing *use*, not particular units. He testified that the Applicant's proposed residential use of the property was absolutely in character with the neighborhood. He testified that commercial use of the subject property would be incompatible.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Offett further testified that a reasonable rate of return on the subject property would be \$300 per square foot which would lead to units in the proposed building selling for \$400,000 – 500,000. He testified that the Alderman did not want an additional curb cut off of 18th Street. He testified that the planned development's homeowner's association did propose that the Applicant access the proposed building from the planned development's driveway. He testified that there were many issues with this, including the homeowner's association's ability to grant a perpetual easement and, more importantly, the fact the City's Department of Transportation ("CDOT") would not grant an easement across the 15' half alley. He testified that it would be better for the future owners of the proposed building to control their own means of ingress and egress to said building.

In response to the Objectors' concerns regarding traffic safety, Mr. Keller further testified that he had submitted a plan to CDOT. He testified that CDOT made suggestions to said plan and that he adopted all of these suggestions. He testified that there is approximately 50' from the corner of 18th and State and the Applicant's curb cut.

He testified that this number is so high because about 25' of this is where the CTA track is. He testified that the Applicant's curb cut already existed on the subject property.

#### 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: (1) complies with all applicable standards of the Chicago Zoning Ordinance; (2) is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of the neighborhood or community; (3) is compatible with the character of the surrounding area in terms of site planning and building scale and project design; (4) is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation; and (5) 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 Applicant's proposed building will be limited to solely residential use. The subject property is zoned C2-5 and therefore residential use is allowed as of right above the ground. Residential use is allowed on the ground floor in a C2-5 zoning district provided the ZONING BOARD OF APPEALS grants a special use. As the ZONING BOARD OF APPEALS has decided to grant a special use 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.*

As Mr. Ryan very credibly testified, the trend of development in the neighborhood has changed from industrial use to residential use. As the subject property is bounded to the west and to the south by residential use, residential use at the subject property – as opposed to commercial use, including but not limited to liquor store use, bar use, or restaurant use – would be in the interest of the public convenience and would 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 incorporated into the Applicant's proposed building. As Mr. Keller very credibly testified, the Applicant designed the four-story proposed building so that it would fit in with the other residential uses in the area, especially the four story townhomes in the planned development west and south of the subject property.

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.*

The proposed special use will be incorporated into the Applicant's proposed building. The Applicant's proposed building will operate like the other residential uses in the neighborhood and will have similar hours of operation, outdoor lighting, noise and traffic generation.

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

As noted above, the proposed special use will be incorporated into the Applicant's proposed building. The Applicant's proposed building will use the existing curb cut on State Street. As Mr. Keller testified, CDOT has reviewed and commented on the Applicant's designs, including the Applicant's incorporation of a warning system for pedestrians and signage to ensure that cars exiting said curb cut will not turn left across traffic.

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

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

Due to the CTA flyover located to the east of the subject property, the planned development to the south and west of subject property, the 15' half alley at the rear of the subject rendered inoperable by said planned development, and the trend of residential development in the area, strict compliance with the regulations and standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships for the subject property.

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

The requested variations allow for orderly and compatible land use and development patterns pursuant to Section 17-1-0508, as well as provide a range of housing choices and options pursuant to Section 17-1-0512.

After careful consideration of the evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, the ZONING BOARD OF APPEALS hereby makes the following findings with reference to the Applicant's

applications for variations pursuant to Section 17-13-1107-B of the Chicago Zoning Ordinance:

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

As noted above, the inoperable 15' half alley at the rear of the subject property, the CTA flyover at the north of the subject property, and the planned development to the south and west of the subject property necessitate the requested variations so that the Applicant can follow the trend in development in the area and develop the subject property for residential rather than commercial use. Mr. Offett credibly testified that if the variations were not granted, the Applicant could not yield a reasonable return upon its investment.

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

The inoperable 15' half alley at the rear of the subject property, the CTA flyover to the north of the subject property, the planned development to the south and west of the subject property, and the trend of residential development in the area are not generally applicable to other commercial property.

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

As very credibly testified to by Mr. Ryan, the trend of development in the south loop area is for residential development. The requested variations will allow the Applicant to erect a four story residential building on the subject property. There are four story residential buildings to the south and west of the subject property, and as Mr. Keller very credibly testified, the Applicant designed the four-story proposed building so that it would fit in with the other residential uses in the area, especially the four story townhomes in the planned development west and south of the subject property.

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

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

As noted above, the CTA flyover to the north of the subject property, the planned development to the south and west of the subject property, the inoperable 15' half

alley to the rear of the subject property, and the trend of residential development in the area all result in particular hardship upon the property owner.

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

The CTA flyover to the north of the subject property, the planned development to the south and west of the subject property, the inoperable 15' half alley to the rear of the subject property and the trend of residential development in the area are not conditions generally applicable to other property within the C2-5 zoning classification.

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

The variations are not based exclusively upon a desire to make more money out of the existing property but rather to develop the subject property in a way that fits within the neighborhood. As Mr. Offett very credibly testified, the Applicant originally proposed a seven story building on the subject property. However, due to the fact that the planned development to the south and west of the subject property only has four story buildings, the Applicant decided to cap the proposed building at four stories.

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

Neither the Applicant nor the property owners created the conditions of the CTA flyover to the north of the subject property, the planned development to the south and west of the subject property, the inoperable 15' alley to the rear of the subject property, or the trend of residential development in the area.

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

The variations will allow the Applicant to build a comparable residential building in a residential area. As Mr. Ryan very credibly testified, residential use on the subject property will be compatible with the neighborhood and thus will not be injurious to other property or improvements in the neighborhood. As Mr. Keller very credibly testified, the setback reductions will not affect the planned development to the south and west of the subject property. Further, the Applicant's proposed building will still have a loading area despite the elimination of the loading berth.

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

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

The variations will not impair an adequate supply of light and air to adjacent property as very credibly testified to by Mr. Keller. As CDOT has thoroughly reviewed the Applicant's plans, the variations will not substantially increase congestion in the public streets. The proposed building will need to obtain building permits and thus will not increase the danger of fire or endanger the public safety. Further, as the variations will allow residential use at the subject property, the variations will not substantially diminish or impair property values within the residential neighborhood.

#### IV. CONCLUSION

For all of these reasons, the ZONING BOARD OF APPEALS finds that the Applicant has proved its case by evidence, testimony and the entire record covering the specific criteria for a special use pursuant to Sections 17-13-0905-A 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 17-13-906 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 developed consistently with the design and layout of the plans and drawings dated September 25, 2017, prepared by Space Architects and Planners.

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

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

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

ZONING BOARD OF APPEALS  
CITY OF CHICAGO

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



OCT 23 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

568-17-S

AFFIDAVIT

I, Amanda Williams, a Commissioner of the Zoning Board of Appeals of the City of Chicago ("ZBA"), on oath state that I have read the transcript for ZBA calendar number 568-17-S affecting the property commonly known as 2400-12 S. Western Avenue/2401-11 W. 24th Street.

Further Affiant Sayeth naught.

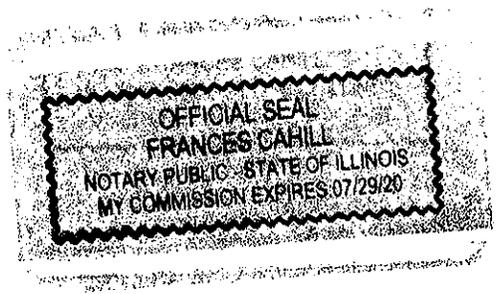
*Amanda Williams*

Amanda Williams  
Commissioner  
Zoning Board of Appeals  
City of Chicago

STATE OF ILLINOIS )  
                                  ) SS  
COUNTY OF COOK )

Signed and sworn (or affirmed) to before me on this 20th day of October, 2017 by Amanda Williams as Commissioner of the Zoning Board of Appeals of the City of Chicago.

*[Signature]*  
\_\_\_\_\_  
Notary Public



ZONING BOARD OF APPEALS  
CITY OF CHICAGO

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



NOV 17 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

**Western Bell, Inc.**  
APPLICANT

**568-17-S**  
CALENDAR NUMBER

**2400-12 S. Western Avenue/2401-11 W.  
24th Street**  
PREMISES AFFECTED

**September 15, 2017**  
HEARING DATE

**ACTION OF BOARD**

**THE VOTE**

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

Blake Sercye  
Shaina Doar  
Sol Flores  
Sam Toia (recused)  
Amanda Williams

AFFIRMATIVE	NEGATIVE	ABSENT
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<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 2400-12  
WESTERN AVENUE/2401-11 W. 24TH STREET BY WESTERN BELL, INC.**

**I. BACKGROUND**

Western Bell, Inc. (the "Applicant") submitted a special use application for 2400-12 Western Avenue/2401-11 W. 24th Street (the "subject property"). The subject property is currently zoned B3-1 and is vacant. The Applicant proposed to establish a Taco Bell restaurant on the subject property. To establish said Taco Bell restaurant, the Applicant sought a special use to establish a drive-through on the subject property. In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City's Department of Planning and Development ("Department") recommended approval of the proposed special use provided that the development was consistent with the design and layout of the plans and drawings dated July 31, 2017 and with the site and landscape plans dated September 13, 2017, all prepared by MRV Architects.

**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 September 15, 2017, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance and

APPROVED AS TO SUBSTANCE

CHAIRMAN

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 principal Mr. Afzal Lokhandwala and its attorney Mr. Rolando Acosta were present. The Applicant's architect Mr. Mario Valentini and its certified general real estate appraiser Mr. Peter Paulos were also present. Testifying in opposition to the application were Ms. Maureen Bak, of 2414 S. Western, Mr. Aaron Pylinski, of 2414 S. Western, and Mr. Jose Ruiz, of 2435 W. 35th Place. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

The Applicant presented the testimony of its principal Mr. Afzal Lokhandwala. Mr. Lokhandwala testified that while he had never operated a Taco Bell restaurant, he did operate a Kentucky Fried Chicken restaurant. He testified that Kentucky Fried Chicken and Taco Bell shared the same corporate parent. He testified that based on the information given to him by Taco Bell and his own experience with Kentucky Fried Chicken, fifty to sixty percent of fast food customers desire a drive-through. He testified that his hours of operations on the subject property would be 10:00 AM to either 1:00 AM or 2:00 AM, depending on what the Applicant's franchisor Taco Bell decided. He testified that the Applicant had retained an architect to develop the site in accordance with all applicable codes. He testified that the drive-through facilities would not only accommodate the Applicant's customers but also would minimize impact to adjacent property.

The Applicant presented the testimony of its architect Mr. Mario Valentini. He testified that he prepared the plans for the proposed drive-through as well as oversaw the preparation of the landscape plans. He testified that said plans were prepared in accordance with all applicable City codes. He testified that he made all changes requested by the Department's landscape reviewers and by the City's Department of Transportation ("CDOT"). He testified that CDOT was concerned about possible traffic congestion. He testified that both CDOT and the landscape reviewers had approved the plans currently before the ZONING BOARD OF APPEALS. He testified that he did not see any detrimental effect on the neighborhood due to the proposed drive-through as the proposed development had more than adequate car stacking. He testified that City ordinance requires six (6) car stacking but that the Applicant would be providing eight (8) car stacking. He testified that, in addition, the Applicant plans allowed for the ability to have further stack in the internal parking lot before the cars would back up onto 24th Street. He testified that he had located the menu and confirmation board ("squawk box") so that the sound projected to the west as opposed to the south where Ms. Bak's home was located.

The Applicant presented the testimony of its certified general real estate appraiser Mr. Peter Paulos. The ZONING BOARD OF APPEALS recognized Mr. Paulos as an expert in real estate appraisal. Mr. Paulos testified that he had reviewed the proposed use and prepared a report assessing the potential impacts of the Applicant's proposed use of the subject property. He testified that he concluded that the proposed use would have no substantial detrimental impact in terms of layout, land use, or property values. He

testified that he reached this conclusion because the subject property was on a commercial thoroughfare and there were many other commercial uses in the area. He testified that he also surveyed other similar uses and property values surrounding those uses and did not find any adverse effect on property values. He testified that the operations of the Applicant's proposed use would have no adverse impact because said operations would be consistent with the other uses in the area. He testified that the proposed use would promote pedestrian safety and comfort because the drive-ways would be well situated from the corner and there would be adequate sight lines so that people could see.

Ms. Maureen Bak, of 2414 S. Western, testified in opposition to the application. She testified that she would be one of the property owners most affected by the proposed use, especially with the proposed use's bright lights, orders and smell. She testified that she did not believe the subject property's owner had any interest in the neighborhood. She testified that while she had no issues with a business operating on the subject property, she did not believe a remotely-owned franchise corporation with a transient customer base would have any regard for its neighbors. She testified that while she acknowledged that Western Avenue was a main thoroughfare, she believed the subject property's neighborhood was very residential and thus the Applicant's proposed use did not fit within the neighborhood.

Mr. Aaron Pylinski, also of 2414 S. Wetsern, testified in opposition to the application. He testified that he had a prepared statement for Alderman Solis ("Alderman") because he knew that the Alderman was the head of the ZONING BOARD OF APPEALS.

The ZONING BOARD OF APPEALS corrected Mr. Pylinski, noting that the Alderman was the head of the City Council's Committee on Zoning, Landmarks and Building Standards ("Zoning Committee"). The BOARD OF APPEALS stated that Zoning Committee and the ZONING BOARD OF APPEALS were entirely different.

Mr. Pylinski testified that he had not known that. He further testified that he had appeared before the ZONING BOARD OF APPEALS to protest the Applicant's proposed use back in March.

The ZONING BOARD OF APPEALS again corrected Mr. Pylinski. The ZONING BOARD OF APPEALS stated that Mr. Pylinski had attended the Zoning Committee back in March.

Mr. Pylinski agreed, testifying that he had attended the Zoning Committee back in March.

The ZONING BOARD OF APPEALS stated that it just wanted to make sure that Mr. Pylinski's objections were germane to the hearing before the ZONING BOARD OF APPEALS.

Mr. Pylinski testified that it was his belief that there was a disconnect in the ward between donors, developers, the Alderman and the people. He further testified that he had five hundred signatures from people in the neighborhood who thought the Applicant's proposed use was a terrible idea.

The ZONING BOARD OF APPEALS then received said signatures into the evidence.

Mr. Jose Ruiz, of 2435 W. 35th Place, testified in opposition to the application. He testified that he was the human resources manager for Alivio Medical Center (the "Center") and that the Center was just down the street from the subject property. He testified that it was his belief that the Applicant's proposed use would take away fifteen to twenty parking spaces in the neighborhood which would be detrimental to the Center. He testified that he believed the area had high traffic congestion and that the Applicant's proposed special use would further increase traffic congestion in the area.

In response to Ms. Bak, Mr. Pylinski, and Mr. Ruiz's objections, Mr. Acosta explained that the Applicant's proposed plan of development provided more on-site parking than required. He explained that under the Chicago Zoning Ordinance, the Applicant was required to have zero on-site parking spaces. He explained that the Applicant would be having eighteen to twenty on-site parking spaces. He further stated that he did not understand how the Applicant would be removing fifteen to twenty parking spaces in the area as the Applicant's plan of development called for only two small driveways. He further explained that although Ms. Bak's testimony was that the area surrounding the subject property was a residential neighborhood, the subject property is located on Western Avenue and, as shown by the City's zoning map, Western Avenue at this location is zoned commercial. He further explained that the property next south of the subject property – that is Ms. Bak's home – was actually zoned for manufacturing as it was located in a M2-3 zoning district. He reminded the ZONING BOARD OF APPEALS that this is a commercial area.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Valentini further testified as to his plan of development, including how said plan had altered after discussions with CDOT to prevent traffic congestion. He testified as to the Applicant's landscaping plan at the south of the subject property, including the fence and a continuous row of hedges and shrubs.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Lokhandwala testified that he did not believe that the Taco Bell Corporation would allow the Applicant to have a Taco Bell franchise at this location if it did not have a drive-through. He testified that it was his understanding that fifty to sixty percent of a Taco Bell franchise's business occurred at the drive-through.

In response to further questions by the ZONING BOARD OF APPEALS, Mr. Valentini testified as to the location of the Applicant's squawk box. He testified it was

currently located at the fifth car from the drive-through window. He then testified as to why it was located there.

Mr. Acosta stated that should the ZONING BOARD OF APPEALS desire, the Applicant could move the squawk box to the sixth car from the drive-through.

In response to further questions by the ZONING BOARD OF APPEALS, Mr. Valentini testified the proposed fence would be cedar, board-on-board wooden fence.

Mr. Acosta explained that board-on-board fences were designed so that boards were placed directly adjacent to each other. He explained that this ensured that there were no big gaps between the boards. He stated that the proposed fence extended to the western property line and also wrapped along the property line the whole way to the north. He explained that as car headlights would be lower than six feet, not much light pollution should get over the fence.

In response to further questions from the ZONING BOARD OF APPEALS, Mr. Acosta stated that the Applicant would make the fence as solid as possible so that light did not get through.

Mr. Ruiz then testified that even if the Applicant were providing on-site parking, the Applicant would taking away on-street parking due to its driveways.

Mr. Acosta acknowledged that while Applicant's proposed drive-through would probably eliminate one or two on-street parking spaces it would not eliminate the fifteen to twenty on-street parking spaces Mr. Ruiz had originally testified to.

Ms. Bak then testified that her kitchen window would stare directly into the drive-through.

#### B. After the Hearing

After the hearing, the ZONING BOARD OF APPEALS voted two (2) to one (1) to approve the Applicant's application, subject to certain conditions. Pursuant to Section 17-13-0907, the concurring vote of three (3) members of the ZONING BOARD OF APPEALS is necessary to approve a special use application. Therefore, pursuant to the rule enunciated in *Melrose Park National Bank v. Zoning Board of Appeals of the City of Chicago*, 79 Ill.App.3d 56 (1st Dist. 1979), and Division 13 of the Illinois Municipal Code, 65 ILCS 5/11-13-3(e), the Applicant's application was continued under Section 17-13-0108-A of the Chicago Zoning Ordinance until October 20, 2017 so that the ZONING BOARD OF APPEALS' absent member Commissioner Amanda Williams could read the transcript and vote on the application. On October 20, 2017, Commissioner Williams voted to approve the Applicant's application for special use, subject to the aforementioned conditions. With her affirmative vote, the ZONING BOARD OF APPEALS thus rendered a final decision on the Applicant's application on October 20, 2017.

### C. 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.*

As noted by Mr. Poulos in his report, the subject property is zoned B3-1. With the granting of the Applicant's proposed special use by the ZONING BOARD OF APPEALS, the proposed use will comply with all applicable standards of the Chicago Zoning Ordinance. As Mr. Valentini very credibly testified, he designed the Applicant's development to be in accordance with all applicable standards of the Chicago Zoning Ordinance as well as other City codes.

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.*

As Mr. Poulos very credibly testified, the subject property is located on a commercial thoroughfare and is generally surrounded by other commercial uses. As noted in Mr. Poulos' report, the subject property is located on the southwest corner of Western Avenue and South 24th Street. The northeast corner of the intersection is improved with a mixed-use building and medical office building. The southeast corner of the intersection is improved with a local used car lot and auto-repair facility. The northwest corner of the intersection is improved with an industrial use and an educational facility. Based on the surroundings of the subject property, the proposed special use is in the interest of the public

convenience. Further, as Mr. Poulos very credibly testified, the proposed special use will not have a significant adverse impact on the general welfare of the neighborhood. As noted in Mr. Poulos' report, property values surrounding the comparable drive-through at 242 W. Garfield have not declined.

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 noted above, Western Avenue is a commercial thoroughfare at this location. The Applicant's proposed plan of development is consistent with this commercial character. Further, as Mr. Valentini very credibly testified, he incorporated all of the Department and CDOT's recommendations into the Applicant's final site and landscaping plans.

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.*

Again, Western Avenue is commercial thoroughfare at this location, and so the Applicant's proposed hours of operating are consistent with this commercial use. The Applicant will be providing ample on-site parking and has followed all of CDOT's recommendations regarding the layout of its driveways, ensuring that any traffic generated by the proposed special use will be compatible with the area. Further, although Ms. Bak and Mr. Pylinski's property is nonconforming and incompatible with the commercial character of the surrounding area, the Applicant has still endeavored to ensure that noise from the Applicant's squawk box and light from the Applicant's drive-through will not affect this nonconforming and incompatible property.

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

As Mr. Poulos very credibly testified, the driveways are well-situated from the corner and there are adequate sight lines. Further, as Mr. Valentini very credibly testified, the Applicant will be providing eight (8) car stacking with availability for more internal stacking – exceeding the City's requirement of six (6) car stacking.

#### 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 17-13-906 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 developed consistently with the design and layout of the plans and drawings dated July 31, 2017, and with the site and landscape plans dated September 13, 2017, all prepared by MRV Architects, with the exception of the location of the squawk box which shall be moved so that it aligns with the sixth car from the drive-through window rather than the fifth; and
2. The fence shall be as solid as possible to prevent light from cars utilizing the drive-through to pass into Ms. Bak and Mr. Pylinski's property.

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:** Amin Panjwani **CAL NO.:** 597-17-S

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

October 20, 2017

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 6435-45 S. Cicero Avenue

**NATURE OF REQUEST:** Application for a special use to establish a drive-through to serve a proposed fast food restaurant.

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

NOV 17 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
RECUSED		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held October 20, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a drive-through to serve a proposed fast food restaurant at the subject site; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject 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 August 30, 2017, prepared by FHS Design and Build, LLC. In regards to the elevations for the triple-tenant strip mall, the development should be consistent with the materials called out on the drawings, which include face brick, E.I.F.S band, aluminum storefronts with clear glazing, and hardiplank siding.

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:** CPP Enterprises II, LLC

**CAL NO.:** 598-17-Z

**APPEARANCE FOR:** Amy Degnan

**MINUTES OF MEETING:**  
October 20, 2017

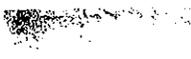
**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 6021 S. Archer Avenue

**NATURE OF REQUEST:** Application for a variation to establish a public place of amusement license for an existing restaurant which is within 125' of a residential district.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

  
**NOV 17 2017**  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

BLAKE SERCYE  
 SHAINA DOAR  
 SOL FLORES  
 SAM TOIA  
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
RECUSED		
X		

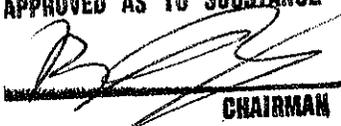
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 20, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a public place of amusement license for an existing restaurant which is within 125' of a residential district; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the 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:** McDonald's USA, LLC

**CAL NO.:** 599-17-S

**APPEARANCE FOR:** Tim Hinchman

**MINUTES OF MEETING:**  
October 20, 2017

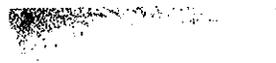
**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 6430 S. Cicero Avenue

**NATURE OF REQUEST:** Application for a special use to establish a dual drive-through lane to serve an existing fast food restaurant.

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**



**NOV 17 2017**

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
RECUSED		
X		
X		
RECUSED		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 20, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2017; 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 dual drive-through lane to serve an existing fast food restaurant at the subject site; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject 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 landscape plan dated September 29, 2017, as well as the site plan dated October 5, 2017, both prepared by V3 Companies.

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

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**

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

**APPLICANT:** Chicago Title and Land Trust No. 8002374367 **CAL NO.:** 600-17-Z

**APPEARANCE FOR:** Meg George **MINUTES OF MEETING:**

October 20, 2017

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3616 N. Wolcott Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 35' to 27' for a proposed two-story, single family residence with an attached garage.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

NOV 17 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
RECUSED		
X		
X		
X		
X		

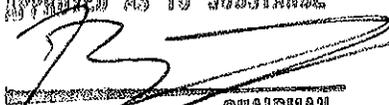
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 20, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 27' for a proposed two-story, single family residence with an 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

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

**APPLICANT:** Latasha McShan-Duncan

**CAL NO.:** 601-17-S

**APPEARANCE FOR:** Same as Applicant

**MINUTES OF MEETING:**  
October 20, 2017

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 5870 W. Lake Street

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

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

NOV 17 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
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 October 20, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2017; 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 at the subject site; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject 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):

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: Victor Aguilar D/B/A LT Dreamy Hair Beauty Salon

CAL NO.: 602-17-S

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:

October 20, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3755 W. 26<sup>th</sup> Street, Floor 1

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

ACTION OF BOARD-  
APPLICATION APPROVED

THE VOTE

NOV 17 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

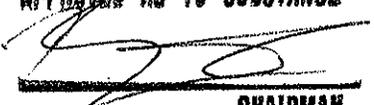
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 20, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2017; and

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 at the subject site; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject 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):

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:** 3501 N. Lincoln Corp., an Illinois Corporation **CAL NO.:** 603-17-Z

**APPEARANCE FOR:** Mark Kupiec **MINUTES OF MEETING:**

October 20, 2017

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3503 N. Hermitage Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the north setback from the required 8' to 3.07' for a proposed second story addition to an existing one story retail building.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

NOV 17 2017

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
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 October 20, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2017; 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 3.07' for a proposed second story addition to an existing one story retail building; an additional variation was granted to the subject property in Cal. No. 604-17-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

  
CHAIRMAN

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

**APPLICANT:** 3501 N. Lincoln Corp., an Illinois Corporation

**CAL NO.:** 604-17-Z

**APPEARANCE FOR:** Mark Kupiec

**MINUTES OF MEETING:**  
October 20, 2017

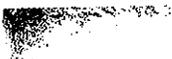
**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3503 N. Hermitage Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the required off-street loading zone from the required one space to zero for a second story addition to an existing one-story retail building.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**



NOV 17 2017

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
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 October 20, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the required off-street loading zone from the required one space to zero for a second story addition to an existing one-story retail building; an additional variation was granted to the subject property in Cal. No. 603-17-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**

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

**APPLICANT:** Lumination, LLC **CAL NO.:** 605-17-S  
**APPEARANCE FOR:** Joseph Gattuso **MINUTES OF MEETING:**  
October 20, 2017  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 3255 N. Paulina Street  
**NATURE OF REQUEST:** Application for a special use to establish a hair salon.

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

NOV 17 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**THE RESOLUTION:**

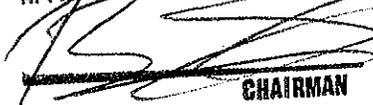
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 20, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2017; and

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 at the subject site; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject 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, Lumination, 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: 827 Richmond, LLC

CAL NO.: 606-17-S

PEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:  
October 20, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 809-11 N. Sedgwick Avenue

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

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

NOV 17 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
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 October 20, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2017; 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 residential use below the second floor for a proposed four-story, four dwelling unit building at the subject site; a variation was granted to the subject property in Cal. No. 607-17-Z; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated October 20, 2017, prepared by Hanna Architects Inc.

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

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

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

**APPLICANT:** 827 Richmond, LLC

**CAL NO.:** 607-17-Z

**APPEARANCE FOR:** Mark Kupiec

**MINUTES OF MEETING:**  
October 20, 2017

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 809-11 N. Sedgwick Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 30' to 8' for a proposed four-story, four dwelling unit building.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

NOV 17 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**THE RESOLUTION:**

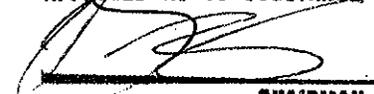
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 20, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2017; and

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 8' for a proposed four-story, four dwelling unit building; a special use was granted to the subject property in Cal. No. 606-17-S; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Douglas Bartels

**CAL NO.:** 608-17-Z

**APPEARANCE FOR:** Rolando Acosta

**MINUTES OF MEETING:**  
October 20, 2017

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 820 S. Bishop Street

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 37.02' to 1.25', north from 2' to zero (south to be zero) combined side setback from 5' to zero, the rear setback for a garage from the rear property line from 2' to 1.25', and to relocate the 200.53 square feet of rear yard open space to the proposed garage roof deck for a rear two story addition and an attached garage with storage space, roof deck and a screen wall above onto an existing three-story, two dwelling unit building.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

NOV 17 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOLA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
		X
X		

**RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 20, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 1.25', north to zero (south to be zero) combined side setback to zero, the rear setback for a garage from the rear property line to 1.25', and to relocate the 200.53 square feet of rear yard open space to the proposed garage roof deck for a rear two story addition and an attached garage with storage space, roof deck and a screen wall above onto an existing three-story, two dwelling unit building; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the 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:** Nandini Mishra d/b/a Mishra International Inc. **CAL NO.:** 609-17-S

**APPEARANCE FOR:** Same as Applicant

**MINUTES OF MEETING:**  
October 20, 2017

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2000 W. Montrose Avenue

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

**ACTION OF BOARD-**  
Continued to November 17, 2017 at 9:00 a.m.

**THE VOTE**

NOV 17 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
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:** Damienne Agossi Padonou

**CAL NO.:** 610-17-S

**APPEARANCE FOR:** Same as Applicant

**MINUTES OF MEETING:**

October 20, 2017

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 8615 S. Ashland Avenue

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

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

NOV 17 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

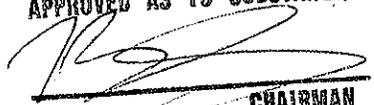
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 20, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2017; 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 at the subject site; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject 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):

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: Mario Alberto Sotelo Contreras CAL NO.: 611-17-S

APPEARANCE FOR: Same as Applicant MINUTES OF MEETING: October 20, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 5666 N. Clark Street

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

ACTION OF BOARD- APPLICATION APPROVED

THE VOTE

NOV 17 2017 CITY OF CHICAGO ZONING BOARD OF APPEALS

BLAKE SERCYE SHAINA DOAR SOL FLORES SAM TOIA AMANDA WILLIAMS

Table with 3 columns: AFFIRMATIVE, NEGATIVE, ABSENT. Rows show affirmative votes for Blake Sercye, Shaina Doar, Sol Flores, Sam Toia, and Amanda Williams.

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 20, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2017; 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 at the subject site; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject 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):

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:** Pipe Dreams 1969, LLC **CAL NO.:** 612-17-S  
**APPEARANCE FOR:** Same as Applicant **MINUTES OF MEETING:**  
October 20, 2017  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1258 N. Milwaukee Avenue, Unit 1  
**NATURE OF REQUEST:** Application for a special use to establish a hair salon / barber shop.

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

NOV 17 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
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 October 20, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2017; 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 / barber shop at the subject site; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject 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, Pipe Dreams 1969, 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:** Nailah Bailey **CAL NO.:** 613-17-S

**APPEARANCE FOR:** Same as Applicant **MINUTES OF MEETING:**  
October 20, 2017

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3213 W. 103<sup>rd</sup> Street

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

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

NOV 17 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

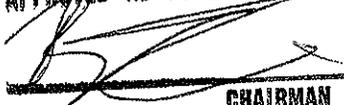
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 20, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2017; 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 at the subject site; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject 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):

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: Deon C. Marshall

CAL NO.: 614-17-S

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:

October 20, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 8252 S. Ashland Avenue

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

ACTION OF BOARD-  
APPLICATION APPROVED

THE VOTE

NOV 17 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
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 October 20, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2017; 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 at the subject site; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject 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):

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

APPROVED AS TO SUBSTANCE

  
CHAIRMAN

**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

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



DEC 15 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

**Elim Romanian Pentecostal Church**  
APPLICANT

**615-17-S & 616-17-S**  
CALENDAR NUMBERS

**3939 W. Devon & 3905-15 W. Devon**  
PREMISES AFFECTED

**October 20, 2017**  
HEARING DATE

**ACTION OF BOARD**

**THE VOTE**

The applications for the special uses are approved subject to the conditions set forth in this decision.

Blake Sercye  
Shaina Doar  
Sol Flores  
Sam Toia  
Amanda Williams

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

**FINDINGS OF THE ZONING BOARD OF APPEALS  
IN THE MATTER OF THE SPECIAL USE APPLICATIONS FOR 3939 W.  
DEVON AND 3905-15 W. DEVON BY ELIM ROMANIAN PENTECOSTAL  
CHURCH**

**I. BACKGROUND**

Elim Romanian Pentecostal Church (the "Applicant") submitted a special use application for 3939 W. Devon (the "church property") and a special use application for 3905-15 W. Devon (the "parking lot property"). Both properties are currently zoned B1-2 and are improved with one story structures. The Applicant proposed to raze the existing structure on the church property and erect a 2-story 950 seat religious assembly space ("proposed church"). The Applicant further proposed to raze the existing structure on the parking lot property and establish off-street parking for the proposed church ("proposed off-street parking"). To establish the proposed church, the Applicant sought a special use to establish a religious assembly facility. To establish the proposed off-street parking, the Applicant sought a special use to establish an off-site parking lot with 144 parking spaces to serve the proposed church. In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City's Department of Planning and Development ("Department") recommended approval of: (1) the religious assembly facility provided the development is consistent with the design and layout of both the site plan and the landscape plan, both dated October 16, 2017 and both prepared by A+C Architects; and (2) the off-street parking lot provided the development is

APPROVED AS TO SUBSTANCE

CHAIRMAN

consistent with the design and layout of both the site plan and the landscape plan, both dated October 16, 2017, and both prepared by A+C Architects.

## II. PUBLIC HEARING

### A. The Hearing

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's special use applications at its regular meeting held on October 20, 2017, after due notice thereof as provided under Section 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 pastor Mr. Cristian Ionescu and its attorney Mr. Paul Kolpak were present. The Applicant's architect Mr. Raffi Arzoumanian, its traffic engineer Mr. Luay Aboona, and its land planner Mr. Paul Woznicki were also present. Testifying in opposition to the application was Mr. Wayne Hanson, of 6327 N. Pulaksi. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

The Applicant presented the testimony of its pastor Mr. Cristian Ionescu. Pastor Ionescu testified the Applicant currently had a place of worship at 4850 N. Bernard, Chicago. He testified that the Applicant had outgrown said place of worship which was why the Applicant was seeking the special uses. He then testified as to the Applicant's proposed hours of operation for church services, choir practice, prayer service, and band practice, as well as how many people would likely be in attendance for each event.

The Applicant presented the testimony of its project architect Mr. Raffi Arzoumanian. Mr. Arzoumanian testified as to his plan of development for the church property and the parking lot property.

The Applicant presented the testimony of its traffic engineer Mr. Luay Aboona. The ZONING BOARD OF APPEALS recognized Mr. Aboona as an expert in traffic engineering. Mr. Aboona testified that he prepared a traffic study looking at the impact of the Applicant's services during both weekdays and on Sundays. He testified that the City's Department of Transportation ("CDOT") had reviewed said traffic study and approved it. He testified that CDOT had also reviewed and approved the Applicant's access plan, which calls for all access to the church property and the parking lot property be off of Devon.

The Applicant presented the testimony of its land planner Mr. Paul Woznicki. The ZONING BOARD OF APPEALS recognized Mr. Woznicki as an expert in land planning. Mr. Woznicki testified to the physical characteristics of the church property, the parking lot property and the nearby area. He then testified as to how the Applicant's applications for special uses met all required criteria.

Mr. Wayne Hanson, of 6327 N. Pulaksi, testified in opposition to the applications. He testified as to his belief that parking in the neighborhood was not adequate for a 950 seat religious facility.

In response to Mr. Hanson's testimony, Pastor Ionescu further testified that four people worked for the Applicant. He testified that when discussing numbers of people attending church, he had included children. He testified that at the Applicant's current location, the Applicant had never had a problem with parking because it always made arrangements with other sites for parking. He testified that the Applicant's current location – like the Applicant's proposed location – did not have public street parking only permit parking.

In response to questions from Mr. Hanson, Mr. Arzoumanian testified as to his parking plan.

In closing, Mr. Kolpak stated that the Applicant had a letter of understanding with a nearby bank to use its parking lot on Sundays. He stated that the Applicant had also entered into a parking agreement with another nearby property.

#### 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 applications for special uses pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance:

1. *The proposed special uses comply with all applicable standards of the Chicago Zoning Ordinance.*

As noted Mr. Woznicki testified, the proposed church and the proposed parking lot comply with all bulk and density requirements such as floor area, setbacks, parking and loading standards. Subject to the ZONING BOARD OF APPEALS granting the Applicant's applications, the proposed special uses comply with all applicable standards of the Chicago Zoning Ordinance.

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

As Pastor Ionescu testified, the Applicant has outgrown its current place of worship. As Mr. Woznicki testified, the Applicant is the only Romanian Pentecostal church within the City, and its current location is approximately 2.6 miles from the church property. Therefore, the proposed special uses are in the interest of the public convenience. Further, the special uses will not have a significant adverse impact on the general welfare of the neighborhood because CDOT has reviewed and approved Mr. Aboona's traffic study.

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

Mr. Woznicki testified that the proposed church and the proposed parking lot are harmonious with the surrounding area in terms of site planning, building scale and project design and are therefore compatible. He testified that a little to the northeast of the properties is a mosque currently under construction although said mosque is located in the Village of Lincolnwood.

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

Pastor Ionescu's testimony combined with CDOT's review and approval of Mr. Aboona's traffic study leaves no doubt that the proposed special uses are compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation. Further, as Mr. Woznicki very credibly testified, the Applicant is only required under the Chicago Zoning Ordinance to provide 119 parking spaces but will be providing 144 parking spaces.

5. *The proposed special uses are designed to promote pedestrian safety and comfort.*

As Mr. Woznicki testified, the site plans as proposed will provide adequate sight lines for vehicles accessing the proposed parking lot. Further, CDOT has reviewed and approved the Applicant's proposed access plan, which calls for all access to the church property and the parking lot property to be off of Devon.

#### 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 applications for special uses, and pursuant to the authority granted to the ZONING BOARD OF APPEALS by Section 17-13-906 of the Chicago Zoning Ordinance, the Zoning Administrator is authorized to permit said special uses subject to the following conditions:

1. The special use for the church property shall be developed consistently with the design and layout of both the site plan and the landscape plan, both dated October 16, 2017 and both prepared by A+C Architects; and
2. The special use for the parking lot property shall be developed consistently with the design and layout of both the site plan and the landscape plan, both dated October 16, 2017, and both prepared by A+C Architects.

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

ZONING BOARD OF APPEALS  
CITY OF CHICAGO

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



DEC 15 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

**Wellington Flats, LLC**  
APPLICANT

**617-17-Z**  
CALENDAR NUMBER

**631 W. Wellington Ave.**  
PREMISES AFFECTED

**October 20, 2017**  
HEARING DATE

ACTION OF BOARD	THE VOTE	THE VOTE		
		AFFIRMATIVE	NEGATIVE	ABSENT
The application for the variation is approved.	Blake Sercye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Shaina Doar	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Sol Flores	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Amanda Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**FINDINGS OF THE ZONING BOARD OF APPEALS  
IN THE MATTER OF THE VARIATION APPLICATION FOR 631 W.  
WELLINGTON AVE. BY WELLINGTON FLATS, LLC**

**I. BACKGROUND**

Wellington Flats, LLC (the "Applicant") submitted a variation application for 631 W. Wellington Ave. (the "subject property"). The subject property is currently zoned RT-4 and is located in the Lakeview Historic District. The subject property is currently improved with a two-story multi-unit building ("building"). The building is currently rated orange under the Chicago Historic Resources Survey. The Applicant proposed to rehabilitate the building. To permit said rehabilitation, the Applicant sought a variation to reduce: (1) the front setback from the required 15' to 12.62'; (2) the side setbacks from 2' to 0'; and (3) the combined side setback from 5' 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 October 20, 2017, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Sun-Times*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure, the Applicant had submitted its proposed Findings of Fact. The Applicant's managing member Mr. Robert Mangan and its attorney Ms. Sara Barnes were present. The Applicant's project manager Mr. Michael Maresso was also

APPROVED AS TO SUBSTANCE

CHAIRMAN

present. Testifying in opposition to the Applicant's application was Mr. Tom Clark, of 635 W. Wellington. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

The Applicant's attorney Ms. Sara Barnes explained that since the building was orange-rated, certain improvements to the building were restricted. She explained that the building's original construction dated from 1891 and, therefore, the building was currently nonconforming under the Chicago Zoning Ordinance. In particular, she explained that the building's current front and side setbacks were currently nonconforming. She explained that the building currently had four dwelling units but that the Applicant would be deconverting the building to three units. She explained that as part of the rehabilitation of the building the Applicant would be erecting a third floor vertical addition to the building and that said addition would be set back more than 5' from the existing front building wall. She explained that the requested variation is to allow rehabilitation of the building and is needed to bring the currently nonconforming front and side setbacks into compliance under the Chicago Zoning Ordinance.

Ms. Barnes explained that the Applicant had originally filed a permit for demolition on the building but that due to the historic significance of the building, the Applicant had reached out to Alderman Tunney ("Alderman"). She explained that the Alderman asked the Applicant to preserve the building if possible. The Applicant therefore worked closely with the Alderman and the South Lakeview Neighbors in developing the plans to rehabilitate the building.

Ms. Barnes explained that the hardship presented with respect to the Applicant's request for variation was the existing footprint of the 100 year old building. She explained that due to the age of the building, the Applicant ran into some structural problems – one of them being the need to maintain the existing walls or else compromise the building.

The Applicant presented the testimony of its managing member Mr. Robert Mangan. Mr. Mangan testified that he worked with the both the Alderman and the local community. He testified that there were four separate community meetings and during those community meetings he became familiar with the owner of the property next east to the subject property. He testified that he had never met the opponent to the application Mr. Clark at any of those meetings.

The Applicant presented the testimony of its project manager Mr. Michael Maresso. Mr. Maresso testified that the Applicant's hardship is building's existing footprint. He testified that the proposed third floor addition is set back at least 5' from the front building wall. He testified that it is also set back at least 5' from the back building wall. He testified that the building currently meets the required rear setback under the Chicago Zoning Ordinance. He testified that the third floor addition also meets the required front setback. He testified that the request for front setback reduction is therefore to allow the current front wall of the building to come into compliance with the Chicago Zoning Ordinance. He testified that the third floor addition would be built off the existing side

walls of the building and therefore the side setback relief was necessary to permit the addition. He testified that due to the age of the building, building straight off the side walls would maintain the structural integrity of the building. He then testified it was his opinion that the Applicant's application met all criteria necessary for a variation.

Mr. Tom Clark, of 635 W. Wellington, testified in objection to the Applicant's application. He testified that the subject property was very small and that by adding a third floor addition, the Applicant would be maximizing a beautiful building without reason. He testified that the building was originally a private residence but had been chopped up over time and that the Applicant's plans for the building would chop it up even more. He testified that the building is currently taller than his residence and that if the Applicant were to add the proposed third floor addition, he would lose even more light. He testified that in his opinion the Applicant's proposed plan of rehabilitation meant that another beautiful old greystone would be lost.

In response to Mr. Clark's testimony, Ms. Barnes explained that the Applicant was improving a greystone. She explained that the Applicant was working with the City's Commission on Chicago Landmarks ("Landmarks") to preserve the building. She reminded the ZONING BOARD OF APPEALS that the Applicant would not be adding any improvements to the rear of the building. She reminded the ZONING BOARD OF APPEALS that the Applicant would be adding a third story vertical addition that would set 5' off of the current front building wall. She explained that there would be no garage at the rear of the subject property but only a parking pad.

In response to Mr. Clark's testimony, Mr. Maresso further testified that there is 15' between the building and Mr. Clark's property. He testified that with respect to sunlight, sunlight comes from the south of the subject property. He testified that as the rear property line is also the south property line of the subject property, there would be no additional improvements to south side of the property. He testified that in addition, the third floor vertical addition would be set an additional 5' from the rear building wall. He testified that therefore the proposed addition would not negatively impair an adequate amount of light and air to the adjacent property.

#### 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.*

Due to the 100 year old nonconforming building on the subject property, strict compliance with the standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships.

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

The requested variation promotes the rehabilitation and reuse of older buildings pursuant to Section 17-1-0511 of the Chicago Zoning Ordinance and maintains a range of housing choices and options pursuant to Section 17-1-0511 of the Chicago Zoning Ordinance.

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

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

As explained by Ms. Barnes, the Applicant originally intended to demolish the building. However, due to the historical significance of the building, the Applicant worked with the Alderman and the community to rehabilitate the building instead. However, in order for the Applicant to obtain permits to rehabilitate the building, the building must comply with the Chicago Zoning Ordinance. Since the building's front and side setbacks currently do not comply with the Chicago Zoning Ordinance, the building cannot be rehabilitated without the requested variation and thus the subject property cannot 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.*

The 100 year old nonconforming orange-rated building on the subject property is a unique circumstance not generally applicable to other residential property.

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

Granting the variation will legalize the existing front and side setbacks of the subject property. The front and side walls of the building will not change. As explained by Ms. Barnes, the building is 100 years old and its front and side setbacks are currently nonconforming. Moreover, the subject property is located in the Lakeview Historic District. The building on the subject property is orange-rated due to its historical significance. As Ms. Barnes explained, the Applicant is working closely with Landmarks on the rehabilitation of the proposed building.

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

As noted above, the building on the subject property is currently nonconforming. The Applicant's plan to rehabilitate the subject property calls for a third floor vertical addition. Due to structural considerations, said third floor addition needs to be built off of the building's side walls – which are currently nonconforming. Pursuant to Section 17-15-0504-A of the Chicago Zoning Ordinance, this increases the nonconformity of the building. In consequence, without the requested variation, the Applicant would not be able to rehabilitate the building which would result in particular hardship upon the Applicant.

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

The 100 year old nonconforming orange-rated building is not a condition applicable, generally, to other property within the RT-4 zoning classification.

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

As Ms. Barnes explained, the Applicant had originally planned to demolish the building. However, due to the building's historic significance, the Applicant worked with the Alderman and the community to rehabilitate the building.

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

As the building is 100 years old, the Applicant did not create the practical difficulty or particular hardship.

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 noted above, the variation will legalize the existing front and side setbacks of the subject property. It will not, therefore, 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 noted above, the variation will legalize the existing front and side setbacks of the subject property. It will also allow the Applicant to build a vertical third story addition off of the building's existing side walls. However, said third floor addition will be set at least 5' from the building's front wall and at least 5' from the building's rear wall. Therefore, and as Mr. Maresso testified, the variation

will not impair an adequate supply of light and air to adjacent property. Further, the variation will not substantially increase congestion in the public streets because the Applicant's plan to rehabilitate the building calls for a deconversion from four to three dwelling units as well as a parking pad at the rear of the subject property. The variation will not increase the danger of fire and will not substantially diminish or impair property values within the neighborhood.

#### IV. CONCLUSION

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

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

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

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

**APPLICANT:** Canal Partners, an Illinois General Partnership **CAL NO.:** 618-17-S  
**APPEARANCE FOR:** Ronald Scope, Greg Linde **MINUTES OF MEETING:**  
 October 20, 2017  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 230 N. Canal Street

**NATURE OF REQUEST:** Application for a special use to re-establish a non-accessory parking lot with fifty-four parking spaces.

**ACTION OF BOARD-  
 APPLICATION APPROVED**

**THE VOTE**

NOV 17 2017  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

BLAKE SERCYE  
 SHAINA DOAR  
 SOL FLORES  
 SAM TOIA  
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

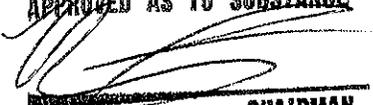
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 20, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2017; 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 re-establish a non-accessory parking lot with fifty-four parking spaces at the subject site; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject 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 landscape plan dated September 29, 2017, prepared by Camiros, Ltd.

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:** Buckley Builders, Inc. **CAL NO.:** 619-17-Z  
**APPEARANCE FOR:** Sara Barnes **MINUTES OF MEETING:**  
 October 20, 2017  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 3315 N. Sheffield Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the front setback from the required 15.95' to 11.18', rear setback from 39' to 31.84' for a proposed four-story, four dwelling unit building with a roof top feature and an attached garage.

**ACTION OF BOARD-  
 VARIATION GRANTED**

**THE VOTE**

NOV 17 2017  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

BLAKE SERCYE  
 SHAINA DOAR  
 SOL FLORES  
 SAM TOIA  
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

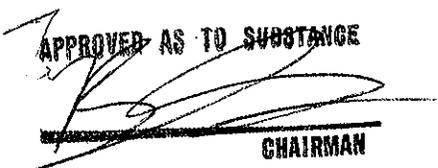
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 20, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2017; 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 11.18', rear setback to 31.84' for a proposed four-story, four dwelling unit building with a roof top feature and an attached garage; an additional variation was granted to the subject property in Cal. No. 620-17-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

~~APPROVED AS TO SUBSTANCE~~  
  
 CHAIRMAN

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

**APPLICANT:** Buckley Builders, Inc. **CAL NO.:** 620-17-Z  
**APPEARANCE FOR:** Sara Barnes **MINUTES OF MEETING:**  
 October 20, 2017  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 3315 N. Sheffield Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the rear yard open space from the required 171 square feet to 102 square feet for a proposed four-story, four dwelling unit building with a roof top feature and attached garage.

**ACTION OF BOARD-  
 VARIATION GRANTED**

**THE VOTE**

NOV 17 2017  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

BLAKE SERCYE  
 SHAINA DOAR  
 SOL FLORES  
 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 October 20, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2017; 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 102 square feet for a proposed four-story, four dwelling unit building with a roof top feature and attached garage; an additional variation was granted to the subject property in Cal. No. 619-17-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

**APPROVED AS TO SUBSTANCE**

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

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

**APPLICANT:** Ellen Berkshire

**CAL NO.:** 621-17-Z

**APPEARANCE FOR:** Warren Silver

**MINUTES OF MEETING:**  
October 20, 2017

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 5828 N. Kolmar Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 34.72' to 21.1' for a proposed rear two-story addition which connects the existing two-car garage to the existing single family residence.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

NOV 17 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
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 October 20, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2017; 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 21.1' for a proposed rear two-story addition which connects the existing two-car garage to the existing single family residence; an additional variation was granted to the subject property in Cal. No. 622-17-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

**APPROVED AS TO SUBSTANCE**



**CHAIRMAN**

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

**APPLICANT:** Ellen Berkshire

**CAL NO.:** 622-17-Z

**APPEARANCE FOR:** Warren Silver

**MINUTES OF MEETING:**

October 20, 2017

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 5828 N. Kolmar Avenue

**NATURE OF REQUEST:** Application for a variation to relocate the required 400 square feet of rear yard open space to the proposed garage roof deck for a proposed rear two-story addition which will connect the existing garage to the existing single family residence.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

NOV 17 2017

NOV 17 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
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 October 20, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2017; 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 400 square feet of rear yard open space to the proposed garage roof deck for a proposed rear two-story addition which will connect the existing garage to the existing single family residence; an additional variation was granted to the subject property in Cal. No. 621-17-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

**APPROVED AS TO SUBSTANCE**



**CHAIRMAN**

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

APPLICANT: Joel Hood & Sharon Skalko

CAL NO.: 623-17-Z

APPEARANCE FOR: Tyler Manic

MINUTES OF MEETING:

October 20, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4204 N. Damen Avenue

NATURE OF REQUEST: Application for a variation to increase the height of the existing building by no more than 10% from 31.13' to 34.04' for a proposed fourth story dormer addition to the existing three-story, two dwelling unit building.

ACTION OF BOARD- VARIATION GRANTED

THE VOTE

NOV 17 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
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 October 20, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2017; 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 building by no more than 10% to 34.04' for a proposed fourth story dormer addition to the existing three-story, two dwelling unit building; two additional variations were granted to the subject property in Cal. Nos. 624-17-Z and 625-17-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

  
CHAIRMAN

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

**APPLICANT:** Joel Hood & Sharon Skalko

**CAL NO.:** 624-17-Z

**APPEARANCE FOR:** Tyler Manic

**MINUTES OF MEETING:**  
October 20, 2017

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 4204 N. Damen Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the front setback from the required 11.08' to 8.09', north setback from 2' to .31' (south to be 2.56'), combined side setback from 5' to 2.87' for a proposed fourth-story dormer addition and a new front one story open porch with roof for the existing three-story, two dwelling unit building.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

NOV 17 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
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 October 20, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2017; 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 8.09', north setback to .31' (south to be 2.56'), combined side setback to 2.87' for a proposed fourth-story dormer addition and a new front one story open porch with roof for the existing three-story, two dwelling unit building; two additional variations were granted to the subject property in Cal. Nos. 623-17-Z and 625-17-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Joel Hood & Sharon Skalko **CAL NO.:** 625-17-Z  
**APPEARANCE FOR:** Tyler Manic **MINUTES OF MEETING:**  
October 20, 2017  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 4204 N. Damen Avenue

**NATURE OF REQUEST:** Application for a variation to increase the existing floor area ratio by no more than 13.1% from 3,363.64 square feet to 3,805.41 square feet with a proposed fourth-story dormer addition for the existing three-story, two dwelling unit building.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

NOV 17 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
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 October 20, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2017; 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 by no more than 13.1% to 3,805.41 square feet with a proposed fourth-story dormer addition for the existing three-story, two dwelling unit building; two additional variations were granted to the subject property in Cal. Nos. 623-17-Z and 624-17-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

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

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

APPLICANT: Gustavo Zuniga

CAL NO.: 626-17-Z

APPEARANCE FOR: Chris Leach

MINUTES OF MEETING:

October 20, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2528-30 N. Talman Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 37.76' to 4', north setback from 4' to zero ( south to be zero), combined side setback from 10' to zero, the rear alley setback for a detached garage from 2' to zero for a proposed two car garage addition with a roof deck, privacy wall, and rear fence at the rear of the existing building.

ACTION OF BOARD-

Continued to December 15, 2017 at 2:00 p.m.

THE VOTE

NOV 17 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
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: Gustavo Zuniga

CAL NO.: 627-17-Z

APPEARANCE FOR: Chris Leach

MINUTES OF MEETING:  
October 20, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2528-30 N. Talman Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear yard open space from the required 900 square feet to 644.12' square feet for a proposed detached two car garage with roof deck, privacy wall, and rear fence at the rear of the existing building.

ACTION OF BOARD-  
Continued to December 15, 2017 at 2:00 p.m.

THE VOTE

NOV 17 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
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:** Logan Talman, LLC

**CAL NO.:** 628-17-Z

**APPEARANCE FOR:** William Banks

**MINUTES OF MEETING:**

October 20, 2017

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2501-03 N. Talman Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the south setback from 2' to 0.1' (north to be at 0.4'), combined side setback from 5' to 0.5' to subdivide an existing zoning lot into two zoning lots. The existing buildings at 2503 N. Talman shall remain. A single family residence is proposed for the lot at 2501 N. Talman which shall retain the existing garage.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

NOV 17 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
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 October 20, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the south setback to 0.1' (north to be at 0.4'), combined side setback to 0.5' to subdivide an existing zoning lot into two zoning lots. The existing buildings at 2503 N. Talman shall remain. A single family residence is proposed for the lot at 2501 N. Talman which shall retain the existing garage; an additional variance was granted to the subject property in Cal. Nos. 629-17-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

  
CHAIRMAN

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

**APPLICANT:** Logan Talman, LLC

**CAL NO.:** 629-17-Z

**APPEARANCE FOR:** William Banks

**MINUTES OF MEETING:**  
October 20, 2017

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2501-03 N. Talman Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the required parking from two spaces to zero to permit the subdivision of a zoning lot into two zoning lots. The two existing buildings at 2503 N. Talman shall remain. A single family residence is proposed for the lot at 2501 N. Talman which shall retain the existing garage.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

NOV 17 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
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 October 20, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the required parking to zero to permit the subdivision of a zoning lot into two zoning lots. The two existing buildings at 2503 N. Talman shall remain. A single family residence is proposed for the lot at 2501 N. Talman which shall retain the existing garage; an additional variation was granted to the subject property in Cal. Nos. 628-17-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

  
CHAIRMAN

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

**APPLICANT:** Furniture LLC

**CAL NO.:** 630-17-Z

**APPEARANCE FOR:** John George

**MINUTES OF MEETING:**  
October 20, 2017

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 860 W. Blackhawk Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 30' to zero to subdivide one zoning lot into two zoning lots. There will be no change to the existing building at 860 W. Blackhawk Street and 1515 N. Fremont Avenue.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

NOV 17 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

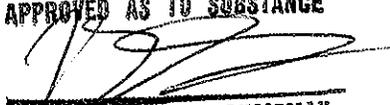
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 20, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to zero to subdivide one zoning lot into two zoning lots. There will be no change to the existing building at 860 W. Blackhawk Street and 1515 N. Fremont Avenue; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

**CAL NO.:** 631-17-S

**APPEARANCE FOR:** John George

**MINUTES OF MEETING:**  
October 20, 2017

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1515 N. Fremont Avenue

**NATURE OF REQUEST:** Application for a special use to reduce 100% of the required parking for a transit served location, which is an existing eight story, ninety-eight efficiency unit building.

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

NOV 17 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
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 October 20, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce 100% of the required parking for a transit served location, which is an existing eight story, ninety-eight efficiency unit building at the subject site; a variation was also granted to the subject property in Cal. No. 632-17-Z; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s):

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

APPROVED AS TO SUBSTANCE



CHAIRMAN

**APPLICANT:** Furniture LLC

**CAL NO.:** 632-17-Z

**APPEARANCE FOR:** John George

**MINUTES OF MEETING:**  
October 20, 2017

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1515 N. Fremont Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 30' to zero to subdivide an existing zoning lot into two zoning lots. There will be no change to the existing buildings at 860 W. Blackhawk Street and 1515 N. Fremont Avenue.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

NOV 17 2017  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
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 October 20, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to zero to subdivide an existing zoning lot into two zoning lots. There will be no change to the existing buildings at 860 W. Blackhawk Street and 1515 N. Fremont Avenue; a special use was also granted to the subject property in Cal. No. 631-17-S; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE  
*[Signature]*  
CHAIRMAN