

**ZBA
MINUTES
JULY 21, 2017**

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

MINUTES OF MEETING

Date: July 20, 2018

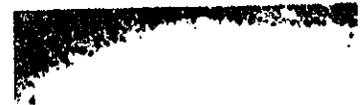
Cal. No. 350-17-S

Mariah DiGrino, Attorney for the Applicant, presented a written request for an extension of time in which to establish a one-lane drive-through to serve a proposed one-story fast food restaurant at the subject property located at 2401-21 N. Damen Avenue. The special use was approved on June 16, 2017, in Cal. No. 350-17-S.

Ms. DiGrino stated that her client is currently in the process of finalizing the assemblage/acquisition of the property from the City of Chicago and would not be able to submit a building permit application prior to the expiration date.

Sam Toia moved the request be granted and the time for obtaining the necessary permit be extended to July 24, 2019.

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



JUL 23 2018

**CITY OF CHICAGO
ZONING BOARD OF APPEALS**

APPROVED AS TO SUBSTANCE

CHAIRMAN

MINUTES OF MEETING

Date: July 20, 2018

Cal. No. 351-17-S

Mariah DiGrino, Attorney for the Applicant, presented a written request for an extension of time in which to establish a dual lane drive-through to serve a proposed one-story fast food restaurant at the subject property located at 1900-16 W. Fullerton Avenue. The special use was approved on June 16, 2017, in Cal. No. 351-17-S.

Ms. DiGrino stated that her client is currently in the process of finalizing the assemblage/acquisition of the property from the City of Chicago and would not be able to submit a building permit application prior to the expiration date.

Sam Toia moved the request be granted and the time for obtaining the necessary permit be extended to July 24, 2019.

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

JUL 23 2018

CITY OF CHICAGO
ZONING BOARD OF APPEALS

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



AUG 21 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

2417 Burling LLC

APPLICANT

385-17-Z
CALENDAR NUMBER

2419 N. Burling Street

PREMISES AFFECTED

July 21, 2017

HEARING DATE

ACTION OF BOARD

THE VOTE

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

Blake Sercye
Shaina Doar
Sol Flores
Sam Toia
Amanda Williams

AFFIRMATIVE	NEGATIVE	ABSENT
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<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE VARIATION APPLICATIONS FOR 2419 N.
BURLING STREET BY 2417 BURLING LLC**

I. BACKGROUND

2417 Burling LLC (the "Applicant") submitted a variation application for 2419 North Burling Street (the "subject property"). The subject property is currently zoned RT-4 and is currently improved with a two-and-a-half story frame residence and a detached garage ("existing structure"). The Applicant proposed to raze the existing structure and develop the subject property with a new three-story single-family residence ("residence") and an attached three-car garage with roof deck ("garage") and rear raised patio (collectively, the "improvements"). To permit the proposed improvements, the Applicant sought a variation to reduce: (1) the north setback from 2.2' to 0'; (2) the south setback from 2.2' to 0'; (3) the combined side setback from 5.5' to 0'; and (4) the rear setback from 35.21' to 2'.

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's variation application at its regular meeting held on July 21, 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

APPROVED AS TO SUBSTANCE

CHAIRMAN

APPEALS' Rules of Procedure, the Applicant had submitted its proposed Findings of Fact. The Applicant's project manager and general contractor Mr. Brian Doherty and its attorney Ms. Sara Barnes were present. Also present on behalf of the Applicant was the Applicant's project manager Mr. Michael Maresso. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

Ms. Sara Barnes explained to the ZONING BOARD OF APPEALS that the subject property is zoned RT-4 and that the subject property is located within the special overlay district of Burling Street ("District"). She explained that all properties within the District are subject to a 30 foot front setback. She further explained that the Applicant performed a survey of all 30 existing homes within the District and found that none of the homes meets the 30 foot front setback requirement. She stated the Applicant had designed the improvements so that the District's front setback requirement would be met but because of this the proposed improvements would be pushed back into the rear of the subject property.

Ms. Barnes explained that the Applicant had met with the neighbor immediately north of the subject property to review the Applicant's plans for the proposed improvements. She stated that as a result of this meeting, the Applicant agreed to flip the footprint of the residence so that the residence will have a 3' setback along the north line of the subject property. She stated that the residence will have a 0' setback along the south line of the subject property. She stated that the Applicant's project manager and general contractor Mr. Brian Doherty had prepared a revised affidavit to this effect.

The ZONING BOARD OF APPEALS stated that it had received this revised affidavit.

The Applicant presented the testimony of its project manager and general contractor Mr. Brian Doherty. Mr. Doherty testified that he was familiar with the Applicant's proposed Findings of Fact and if he continued to testify his testimony would be consistent with said proposed Findings of Fact.

The Applicant presented the testimony of its project manager Mr. Michael Maresso. Mr. Maresso testified that the Applicant's proposed variation met all necessary standards of the Chicago Zoning Ordinance.

B. Criteria for a Variation

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

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

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

III. FINDINGS OF FACT

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

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

The subject property is subject the restrictions of the District which requires that all improvements located within the District be setback at least 30' from the front property line.

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

The requested variation will protect the character of an established residential neighborhood consistent with Section 17-1-0503 and will maintain a range of housing choices and options consistent with Section 17-1-0512 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.*

If the Applicant were forced to construct a building in accordance with the standards of the Chicago Zoning Ordinance, the residents of the building would be significantly limited in the amount of outdoor open space they could use on the subject property. A majority of the other properties on this block of N. Burling Street have similar setbacks and similar design elements which provide for reasonable outdoor space for residents (e.g. rooftop decks, garage decks, open porches, terraces and open balconies). The proposed variation, if granted, will allow the proposed improvements to be comparable to other residential buildings in the area.

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

The practical hardship in this case is that the subject property is subject to the restrictions of the District which requires that all improvements located within the District be setback at least 30' from the front property line.

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

As noted above, the majority of the other properties on this block of N. Burling Street have similar setbacks and similar design elements which provide for reasonable outdoor space for residents. The variation, therefore, will allow for the Applicant to preserve the predominant and well-established pattern of development in the neighborhood.

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

1. *The particular physical surroundings, shape or topographical condition of the specific property involved would result in a particular hardship upon the property*

owner as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.

The District – with its 30' front setback requirement – results in particular hardship upon the Applicant as the Applicant is forced to locate the proposed improvements to the rear of the subject property.

- 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.*

As noted above, the subject property is subject to the District's regulations. This 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.*

The variation is not based exclusively upon a desire to make more money out of the property but rather to comply with the District's front setback requirements and preserve the predominant pattern of residential development along this particular block of N. Burling Street.

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

The Applicant created neither the front setback restrictions nor the predominant pattern of residential development along this particular block of N. Burling Street.

- 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, a majority of the other properties on this block of N. Burling Street have similar setbacks and similar design elements which provide for reasonable outdoor space for residents. This variation, therefore, will allow for the Applicant to preserve the predominant and well-established pattern of development in the neighborhood. Based on the foregoing, the variation will not be detrimental to the public welfare or injurious to other properties.

- 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 allow the Applicant to comply with the front setback restrictions and will preserve the well-established pattern of residential

development in the area. The variation will not be detrimental to the public welfare or injurious to other properties in the area. Further, the proposed improvements for the subject property will have an upgraded water retention system thereby improving existing conditions in the neighborhood. Additionally, the Applicant has agreed to flip the residence's footprint so there will be less impact on the neighbor next north. The proposed improvements will provide on-site parking for three vehicles, thereby reducing congestion on the public streets. The proposed improvements will be masonry in construction, thereby reducing the danger of fire and promoting public safety.

IV. CONCLUSION

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

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

1. The Applicant shall flip the footprint for its proposed residence so that the south wall of the residence shall be situated along the south property line and there shall be a 3' side setback along the north property line. There shall be no change to the proposed garage.

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: Claudia Marchan

CAL NO.: 386-17-Z

APPEARANCE FOR: Same as applicant

MINUTES OF MEETING:
July 21, 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 August 18, 2017 at 2 p.m.

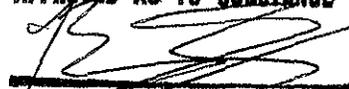
THE VOTE

AUG 21 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: Claudia Marchan

CAL NO.: 387-17-S

APPEARANCE FOR: Same as applicant

MINUTES OF MEETING:
July 21, 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 August 18, 2017 at 2 p.m.

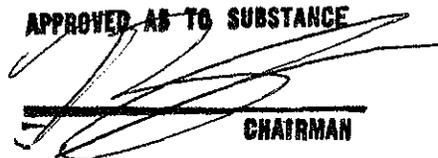
THE VOTE

AUG 21 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: Mark Zahr **CAL NO.:** 388-17-Z
APPEARANCE FOR: Rolando Acosta **MINUTES OF MEETING:**
July 21, 2017
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2030 N. Honore Street

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 10.83' to 8.33', north setback from 3.84' to zero, south setback from 3.84' to zero, combined side setback from 9.6' to zero, rear setback from 35' to zero for a proposed two-story, single family residence with side open raised patio, three-car garage with roof deck and an open access stair and rear sliding gate that exceeds 6' in height from grade.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

AUG 21 2017

**CITY OF CHICAGO
ZONING BOARD OF APPEALS**

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
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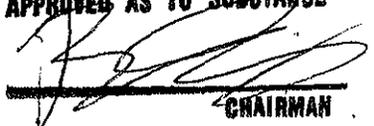
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 21, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 3, 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 8.33', north setback to zero, south setback to zero, combined side setback to zero, rear setback to zero for a proposed two-story, single family residence with side open raised patio, three-car garage with roof deck and an open access stair and rear sliding gate that exceeds 6' in height from grade; 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: Ascher, LLC **CAL NO.:** 389-17-Z

APPEARANCE FOR: Rolando Acosta **MINUTES OF MEETING:**
July 21, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2108 W. 18th Place

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

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

AUG 21 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
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X		

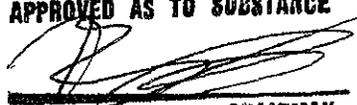
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 21, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 3, 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 three for a proposed four story, four 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: Stockyards Brick, LLC **CAL NO.:** 390-17-S

APPEARANCE FOR: Rolando Acosta **MINUTES OF MEETING:**
July 21, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4150 S. Packers Avenue

NATURE OF REQUEST: Application for a special use to establish a Class V recycling facility.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

AUG 21 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 July 21, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 3, 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 Class V recycling facility at the subject site; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject 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: Episteme Luxury Condos, LLC

CAL NO.: 391-17-S

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
July 21, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1802 S. State Street

NATURE OF REQUEST: Application for a special use to establish a four-story, thirty-nine dwelling unit building with thirty-nine, onsite parking space.

ACTION OF BOARD-
Continued to September 15, 2017 at 2 p.m.

THE VOTE



AUG 21 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: Episteme Luxury Condos, LLC

CAL NO.: 392-17-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
July 21, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1802 S. State Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback from 30' to 12' for a proposed four-story, thirty-nine dwelling unit building with thirty-nine on-site parking spaces.

ACTION OF BOARD-
Continued to September 15, 2017 at 2 p.m.

THE VOTE



AUG 21 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: Avondale Villas, LLC **CAL NO.:** 393-17-Z
APPEARANCE FOR: Bernard Citron **MINUTES OF MEETING:**
July 21, 2017
APPEARANCE AGAINST: None
PREMISES AFFECTED: 3632 N. Avondale Avenue
NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 19.1' to 11.79' for a proposed two-story, single family residence with front covered open roof and rear garage.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

AUG 21 2017
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

BLAKE SERCYE
 SHAINA DOAR
 SOL FLORES
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 21, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 3, 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 11.79' for a proposed two-story, single family residence with front covered open roof and rear 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: Dynaprop XXI:1254 W. Winnemac, LLC

CAL NO.: 394-17-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
July 21, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1254 W. Winnemac Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear yard setback from the required 40.8' to 28.71' to convert the existing two-story two- dwelling unit building to three dwelling units with a rear three-story addition, a third floor addition with roof top stair enclosures and five unenclosed parking spaces.

ACTION OF BOARD-
Continued to August 18, 2017 at 2 p.m.

THE VOTE

AUG 21 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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APPROVED AS TO SUBSTANCE



CHAIRMAN

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

APPLICANT: Dynaprop XXI:1254 W. Winnemac, LLC

CAL NO.: 395-17-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
July 21, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1254 W. Winnemac Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear yard open space from the required 353.6 square feet to 300.67 square feet to convert an existing two-story, two dwelling unit building to a three-story, three-dwelling unit building with a rear three-story addition, a third floor addition with roof top stair enclosures and five unenclosed parking spaces.

ACTION OF BOARD-
Continued to August 18, 2017 at 2 p.m.

THE VOTE

AUG 21 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: James Soukup **CAL NO.:** 396-17-Z
APPEARANCE FOR: Thomas Moore **MINUTES OF MEETING:**
July 21, 2017
APPEARANCE AGAINST: None
PREMISES AFFECTED: 5209 S. Nashville Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from 35.06' to 4.66', north setback from 4' to 3.8', south to be 8.99', combined to be 12.79' for a detached two car garage which exceeds 15' in height with accessory storage and a pull down stair.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

AUG 21 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		

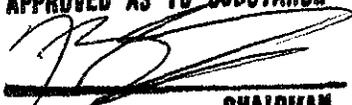
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 21, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 3, 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 4.66', north setback to 3.8', south to be 8.99', combined to be 12.79' for a detached two car garage which exceeds 15' in height with accessory storage and a pull down stair; 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



AUG 21 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

Don Val Corp. d/b/a Draft
APPLICANT

397-17-S
CALENDAR NUMBER

8221 W. Irving Park Road
PREMISES AFFECTED

July 21, 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
Amanda Williams

AFFIRMATIVE	NEGATIVE	ABSENT
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<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE SPECIAL USE APPLICATION FOR 8221 W.
IRVING PARK ROAD BY DON VAL CORP D/B/A DRAFT**

I. BACKGROUND

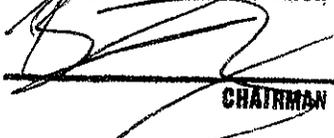
Don Val Corp. d/b/a Draft (the "Applicant") submitted a special use application for 8221 W. Irving Park Road (the "subject property"). The subject property is currently zoned B3-1 and is improved with one-story building and a detached garage. The Applicant operates a tavern at the subject property (the "tavern"). The Applicant sought a special use to permit the establishment of a 462.5 square foot, grade-level patio ("outdoor patio") between said one-story building and detached garage. 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 expansion of the existing tavern by providing an outdoor patio at the rear of the subject property.

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's special use application at its regular meeting held on July 21, 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

APPROVED AS TO SUBSTANCE


CHAIRMAN

APPEALS' Rules of Procedure, the Applicant had submitted its proposed Findings of Fact. The Applicant's president Mr. Michael Fazio and its attorney Mr. Nick Ftikas were present. The Applicant's real estate appraiser Mr. Terrance O'Brien was also present. Testifying in opposition to the application was Mr. Janusz Wisniewski. 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. Michael Fazio. Mr. Fazio testified as to the tavern's current plan of operations. He further testified as to the Applicant's plan of operations for the proposed outdoor patio. He testified that such plan of operations would be in compliance with all rules and regulations promulgated by the City's Department of Business Affairs and Consumer Protection ("BACP") with respect to outdoor patio licenses.

The Applicant presented the expert testimony of its real estate appraiser Mr. Terrance O'Brien. Mr. O'Brien testified as to how the Applicant's proposed outdoor patio met all standards for a special use.

Mr. Janusz Wisniewski, of 8217-19 W. Irving Park Road, testified in opposition to the application. He testified that he was concerned about cigarette butts littering the subject property. He further testified as to his concern that patrons exiting the proposed outdoor patio would exit onto his property, and if said patrons injured themselves, he would be liable. He then requested that he be added as an additional insured to the Applicant's insurance policy.

The Applicant's attorney Mr. Nick Ftikas stated that adding Mr. Wisniewski as an additional insured to the Applicant's insurance policy was not something the Applicant could agree to. He explained that access to the tavern is restricted to the front of the subject property. He stated that although there would be an emergency exit at the rear of the outdoor patio, this would not be used for regular ingress and egress into the tavern. He further stated that this emergency exit led into the alley.

In response to the Mr. Wisniewski's concerns, Mr. O'Brien further testified that there would be receptacles on the outdoor patio that would allow patrons to dispose of their cigarette butts. He testified the emergency exit at the rear of the outdoor patio was required by City building codes, but it would not allow tavern patrons to enter from the alley. He testified that that if patrons had to use the emergency exit, patrons would exit into the public alley not onto the Mr. Wisniewski's property.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Fazio further testified that there was currently a fence between the subject property and Mr. Wisniewski's property.

In response to further questions by the ZONING BOARD OF APPEALS, Mr. Wisniewski testified that the fence did not extend all the way to the rear of the subject

property and therefore it was his belief that patrons would exit the emergency exit onto his property.

Mr. Fazio testified that a sidewalk currently ran on his property from the location of the proposed emergency exit to the alley. He testified that currently, he had garbage dumpsters on said sidewalk. He testified that he believed this was why Mr. Wisniewski believed that patrons would exit the emergency exit onto Mr. Wisniewski's property. He testified that he would remove the garbage dumpsters from the sidewalk so that patrons could walk down the sidewalk if need be.

Mr. Wisniewski testified that the sidewalk was on Mr. Fazio's property.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Ftikas stated that the Applicant would add signage to the emergency exit stating that said exit was only to be used in an emergency.

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 very credibly testified by Mr. O'Brien, the proposed outdoor patio will 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 or community.*

The proposed special use is in the interest of public convenience as it will provide the tavern's patrons with an amenity. Further, as noted by Mr. O'Brien in both his report and in his testimony, it will allow the Applicant to remain competitive with other taverns in the area. The proposed special use will not have a significant adverse impact on the general welfare of the neighborhood as the outdoor patio will only comprise a small portion of the subject property and will only accommodate fifteen to eighteen patrons. There is a six foot (6') high fence surrounding the outdoor patio space, and due to the conditions imposed by the ZONING BOARD OF APPEALS, in the event patrons must utilize the outdoor patio's emergency exit, such utilization will not disturb Mr. Wisniewski's property.

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

As Mr. O'Brien very credibly testified, the outdoor patio is harmonious and compatible with other land uses in the area. To the west of the subject property, is a six foot (6') high fence. West of this fence is a multi-tenant retail structure that has approximately three (3) units, one of which is a liquor store. To the east of the subject property is another single-story retail structure that is utilized for accounting and real estate office purposes. The outdoor patio will be located at the rear of the subject property, between the existing tavern and a detached garage. An alley is at the rear of the detached garage, and although there is residential use on the other side of the alley, this is similar to the site planning at the nearby Polish Bistro tavern and restaurant which has an outdoor patio four times the size of the Applicant's outdoor patio. Further, construction will be minimal and will consist of upgrading the pavement at the rear of the tavern. Therefore, there will be no additions to the existing building on 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.*

As Mr. Fazio very credibly testified, the outdoor patio will comply with all rules and regulations promulgated by BACP with respect to outdoor patio licenses. Consequently, there will be no music on the outdoor patio. The Applicant will abide by all hours of operation for outdoor patios set forth by BACP. As Mr. O'Brien very credibly testified, all outdoor lighting for the outdoor patio will be designed so it will not spill into neighboring properties. Further, as noted above, the nearby Polish Bistro has a much larger outdoor patio than the Applicant's proposed patio and the proposed patio will operate in a similar manner.

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

Due to the conditions imposed by the ZONING BOARD OF APPEALS, the outdoor patio will promote pedestrian safety and comfort. Further, as Mr. O'Brien very credibly testified, the outdoor patio will not interfere with existing traffic patterns in the area as said outdoor patio will not create any new curb cuts.

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 garbage dumpsters shall be removed from the subject property's sidewalk;
and
2. Signs denoting that the exit is solely to be used for emergencies shall be placed on the outdoor patio's emergency exit.

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: Carl Clybourn, LLC **CAL NO.:** 398-17-Z
APPEARANCE FOR: Nicholas Ftikas **MINUTES OF MEETING:**
July 21, 2017
APPEARANCE AGAINST: None
PREMISES AFFECTED: 4422-30 N. Sheridan Road

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 30' to 3', north setback from 5' to 0.66' for a proposed four-story retail and thirty-three dwelling unit building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

AUG 21 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		

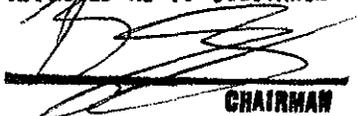
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 21, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 3, 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 3', north setback to 0.66' for a proposed four-story retail and thirty-three dwelling unit building; an additional variation was granted to the subject property in Cal. No. 399-17-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

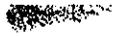
ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905

APPLICANT: Carl Clybourn, LLC **CAL NO.:** 399-17-Z
APPEARANCE FOR: Nicholas Ftikas **MINUTES OF MEETING:**
July 21, 2017
APPEARANCE AGAINST: None
PREMISES AFFECTED: 4422-30 N. Sheridan Road

NATURE OF REQUEST: Application for a variation to eliminate the required loading berth for a proposed four-story retail and thirty-three dwelling unit building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE



AUG 21 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 July 21, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 3, 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 eliminate the required loading berth for a proposed four-story retail and thirty-three dwelling unit building; an additional variation was granted to the subject property in Cal. No. 398-17-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: Nicholas Mitich **CAL NO.:** 400-17-Z
APPEARANCE FOR: Same as Applicant **MINUTES OF MEETING:**
July 21, 2017
APPEARANCE AGAINST: None
PREMISES AFFECTED: 11307 S. Avenue G

NATURE OF REQUEST: Application for a variation to increase the height of the existing building by no more than 10% from the existing 38.83' to 38.83' for a roof top over an existing courtyard of an existing three-story, multi-unit residential building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

AUG 21 2017
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

BLAKE SERCYE
 SHAINA DOAR
 SOL FLORES
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
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X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 21, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 3, 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 38.83' for a roof top over an existing courtyard of an existing three-story, multi-unit residential building; an additional variation was granted to the subject property in Cal. No. 401-17-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: Nicholas Mitich **CAL NO.:** 401-17-Z
APPEARANCE FOR: Same as Applicant **MINUTES OF MEETING:**
July 21, 2017
APPEARANCE AGAINST: None
PREMISES AFFECTED: 11307 S. Avenue G

NATURE OF REQUEST: Application for a variation to increase the existing floor area of 10,686 square feet by no more than 15% to 11,137.53 square feet for a roof top over an existing courtyard for an existing multi-unit residential building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

AUG 21 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 July 21, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 3, 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 of 10,686 square feet by no more than 15% to 11,137.53 square feet for a roof top over an existing courtyard for an existing multi-unit residential building; an additional variation was granted to the subject property in Cal. No. 400-17-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: Bissell Partners, LLC

CAL NO.: 402-17-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
July 21, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2042 N. Bissell Avenue

NATURE OF REQUEST: Application for a variation to reduce the north setback from the required 2' to zero, (south to be 2.81') combined side setback from 4.4' to 2.81' for a proposed fourth story addition to an existing three- story, three dwelling unit building.

ACTION OF BOARD-
Continued to August 18, 2017 at 2 p.m.

THE VOTE

AUG 21 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: Bissell Partners, LLC

CAL NO.: 403-17-Z

PEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
July 21, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2042 N. Bissell Avenue

NATURE OF REQUEST: Application for a variation to increase the existing floor area by no more than 15% from 2,674.29 square feet to 3,007.67 square feet for a proposed fourth story addition to the existing three-story, three dwelling unit building.

ACTION OF BOARD-
Continued to August 18, 2017 at 2 p.m.

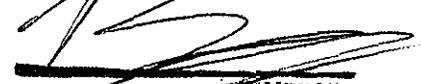
THE VOTE

AUG 21 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: Bissell Partners, LLC **CAL NO.:** 404-17-Z
APPEARANCE FOR: Nicholas Ftikas **MINUTES OF MEETING:**
APPEARANCE AGAINST: None July 21, 2017
PREMISES AFFECTED: 2042 N. Bissell Avenue

NATURE OF REQUEST: Application for a variation to increase the existing height by no more than 10% from 38' to 41.67' for a proposed fourth story addition to the existing three-story, three dwelling unit building.

ACTION OF BOARD-
Continued to August 18, 2017 at 2 p.m.

THE VOTE

AUG 21 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: Lesa Friedrich **CAL NO.:** 405-17-Z
APPEARANCE FOR: Same as Applicant **MINUTES OF MEETING:**
July 21, 2017
APPEARANCE AGAINST: None
PREMISES AFFECTED: 6723 N. Ionia Avenue

NATURE OF REQUEST: Application for a variation to reduce the east setback from the required 5' to 3' (west to be 6.33'), combined side setback from 15' to 9.33' for a proposed two story addition with a proposed one-car garage with front drive access.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

AUG 21 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 July 21, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 3, 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 east setback to 3' (west to be 6.33'), combined side setback to 9.33' for a proposed two story addition with a proposed one-car garage with front drive access; an additional variation was granted to the subject property in Cal. No. 406-17-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: Lesa Friedrich **CAL NO.:** 406-17-Z
APPEARANCE FOR: Same as Applicant **MINUTES OF MEETING:**
July 21, 2017
APPEARANCE AGAINST: None
PREMISES AFFECTED: 6723 N. Ionia Avenue

NATURE OF REQUEST: Application for a variation to reduce the required parking from two spaces to one for a proposed two-story rear addition with a proposed one-car attached garage with front drive access.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

AUG 21 2017
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

BLAKE SERCYE
 SHAINA DOAR
 SOL FLORES
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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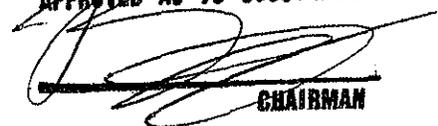
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 21, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 3, 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 one for a proposed two-story rear addition with a proposed one-car attached garage with front drive access; an additional variation was granted to the subject property in Cal. No. 405-17-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: Julia Bennett **CAL NO.:** 407-17-S
APPEARANCE FOR: Same as Applicant **MINUTES OF MEETING:**
July 21, 2017
APPEARANCE AGAINST: None
PREMISES AFFECTED: 526 E. 79th Street
NATURE OF REQUEST: Application for a special use to establish a hair and nail salon.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

**AUG 21 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS**

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
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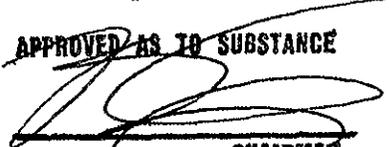
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 21, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 3, 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

APPLICANT: James Beckman

CAL NO.: 408-17-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
July 21, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2240 N. Geneva Terrace

NATURE OF REQUEST: Application for a variation to reduce the rear yard setback from the required 41.72' to 0.34', south from 2' to 0.4' (north to be 0.13'), combined side setback from 5' to 0.17' for a proposed open stair to access a proposed garage roof deck on the existing two-story garage.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

AUG 21 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOLA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
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X		
X		
X		
X		

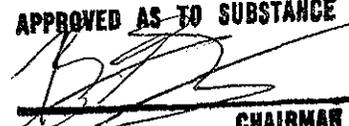
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 21, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 3, 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 setback to 0.34', south to 0.4' (north to be 0.13'), combined side setback to 0.17' for a proposed open stair to access a proposed garage roof deck on the existing two-story 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: CNG Services, LLC. **CAL NO.:** 409-17-Z
APPEARANCE FOR: Nicholas Ftikas **MINUTES OF MEETING:**
APPEARANCE AGAINST: None July 21, 2017
PREMISES AFFECTED: 4834 S. Halsted Street
NATURE OF REQUEST: Application for a special use to establish a natural gas filing station.
ACTION OF BOARD-
Continued to September 15, 2017 at 2 p.m.

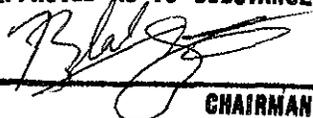
THE VOTE

AUG 21 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: Body of Christ Deliverance Ministries **CAL NO.:** 410-17-S
APPEARANCE FOR: Same as Applicant **MINUTES OF MEETING:** July 21, 2017
APPEARANCE AGAINST: None
PREMISES AFFECTED: 741 W. 115th Street
NATURE OF REQUEST: Application for a special use to establish a religious assembly.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

AUG 21 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 July 21, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 3, 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 religious assembly 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; a special use to establish four off-site parking spaces was granted to 11501 S. Halsted Street in Cal. No. 411-17-S; 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 February 28, 2017, prepared by Studio C Architects.

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Body of Christ Deliverance Ministries **CAL NO.:** 411-17-S
APPEARANCE FOR: Same as Applicant **MINUTES OF MEETING:** July 21, 2017
APPEARANCE AGAINST: None
PREMISES AFFECTED: 11501 S. Halsted Street

NATURE OF REQUEST: Application for a special use to establish four off-site parking spaces to serve a religious assembly located at 741 W. 115th Street.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

AUG 21 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		

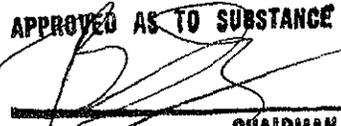
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 21, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 3, 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 four off-site parking spaces to serve a religious assembly located at 741 W. 115th Street at the subject site; a special use was granted to 741 W. 155th Street in Cal. No. 410-17-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 February 28, 2017, prepared by Studio C Architects.

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Mariama Ngamljanji

CAL NO.: 412-17-S

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
July 21, 2017

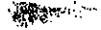
APPEARANCE AGAINST: None

PREMISES AFFECTED: 758 N. Cicero Avenue

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

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE



AUG 21 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 July 21, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 3, 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
121 North LaSalle Street
Chicago, Illinois 60602
TEL: (312) 744-3888



AUG 21 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

T.G.Homes, LLC

APPLICANT

413-17-Z
CALENDAR NUMBER

6940 N. Wildwood Avenue

PREMISES AFFECTED

July 21, 2017

HEARING DATE

ACTION OF BOARD

THE VOTE

The application for the variation is 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"/>
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**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE VARIATION APPLICATION FOR 6940 N.
WILDWOOD AVENUE BY T.G.HOMES, LLC**

I. BACKGROUND

T.G.Homes, LLC (the "Applicant") submitted a variation application for 6940 N. Wildwood Avenue (the "subject property"). The subject property is currently zoned RS-1 and is currently improved with a single family home. The Applicant proposed to raze the existing improvements and redevelop the subject property with a new two-story single family residence with basement, front porch, and rear deck. To permit the redevelopment, the Applicant sought a variation to reduce the total side yard setback combination from 13.5' to 10'.

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 July 21, 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. Tomasz Gniedziejko and its attorney Mr. Paul A. Kolpak were present. The Applicant's architect Mr. Peter Sterniak was present. Ms. Anne Archer, of 6944 N. Wildwood, was also present. The statements and testimony

APPROVED AS TO SUBSTANCE

CHAIRMAN

given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

Mr. Paul A. Kolpak explained to the ZONING BOARD OF APPEALS that the Applicant had a number of meetings with the neighbors and had worked out an agreement with respect to the proposed redevelopment on the subject property. He then read into the record a letter containing said agreement. He requested that should the ZONING BOARD OF APPEALS approve the Applicant's requested variation, its approval be subject to such agreement.

The ZONING BOARD OF APPEALS then asked Ms. Anne Archer, of 6944 N. Wildwood, if the agreement Mr. Kolpak had just read into the record was correct and accurate.

Ms. Anne Archer testified it was correct and accurate.

The ZONING BOARD OF APPEALS stated that should the Applicant's variation be approved it would be subject to the conditions as read into the record by Mr. Kolpak.

The Applicant presented the testimony of its manager Mr. Tomasz Gniedziejko. Mr. Gniedziejko testified that the Applicant would abide by the terms of the agreement as read into the record by Mr. Kolpak.

The Applicant presented the expert testimony of Mr. Peter Sterniac. Mr. Sterniac testified that one of the hardships of the subject property is that there is no alley. He testified that the other hardship of subject property is due to the fact that it is zoned RS-1 and is in excess of 33' wide. He testified that because of this, the Applicant is required to have two parking spaces. He then testified that the proposed variation met all criteria necessary for a variation.

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. Sterniac credibly testified, there is no alley servicing the subject property. Since there is no alley, the Applicant is required to either erect a front loading garage or construct a side drive leading to the rear of the lot. Since the subject property is located in a RS-1 zoning classification and is in excess of 33' in width, the Applicant must provide two parking spaces. Without the requested variation, the Applicant could not erect a front loading garage and instead only construct a side drive leading to the rear of the lot. Constructing a side drive to the rear of the lot would increase impervious surfaces on the subject property and potentially cause more water accumulation.

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

The requested variation protects the character of established residential neighborhoods pursuant to Section 17-1-0503 of the Chicago Zoning Ordinance. It encourages environmentally responsible development practices pursuant to 17-1-0510. It also helps maintain 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 application for a variation pursuant to Section 17-13-1107-B of the Chicago Zoning Ordinance:

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

The subject property is zoned RS-1, and the Applicant is therefore entitled to build a single family residential building as of right. However, the subject property's lack of alley access requires that all on-site parking be accessed from the street at the front of the property. Section 17-10-0207-A of the Chicago Zoning Ordinance requires 2 spaces per unit for lots of records that are 33' or more in width. The subject property is 45' in width. Therefore, in order for the Applicant to provide the required 2 parking spaces for its proposed residence, the Applicant needs a front entry garage or a paved side drive to the back of the lot. As noted above, a paved side drive would increase impervious surfaces on the subject property and potentially cause more water accumulation. Consequently, the subject property would not be able to yield a reasonable return if permitted to be used only in accordance with the standards of the Chicago Zoning Ordinance.

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

The subject property's lack of alley access and its 45' width are unique circumstances and not generally applicable to other residential property.

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

Due to the lack of a rear alley, other properties in the neighborhood also have front loading garages.

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 lack of an alley and width of the lot result in particular hardships upon the Applicant 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 lack of an alley and width of the lot are not conditions generally applicable to other property within the RS-1 zoning classification.

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

As noted above, the subject property is zoned RS-1, and the Applicant is therefore entitled to build a single-family residence as of right. However, the subject property's lack of alley access requires that all on-site parking to be accessed from the street at the front of the property. Section 17-10-0207-A of the Chicago Zoning Ordinance requires 2 spaces per unit for lots of records that are 33' or more in width. The subject property is 45' in width. Therefore, in order for the Applicant to provide its required 2 parking spaces for its proposed building, the Applicant needs a front entry garage or a paved side yard to the back of the lot. As noted above, a paved side drive would increase impervious surfaces on the subject property and potentially cause more water accumulation. Consequently, the requested variation – necessary for a front entry garage – is not based exclusively upon a desire to make more money out of the subject property.

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

The Applicant created neither the subject property's lack of access to an alley nor its 45' width.

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

Due to the conditions imposed by the ZONING BOARD OF APPEALS, 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.

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, due to the conditions imposed by the ZONING BOARD OF APPEALS, 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.

IV. CONCLUSION

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

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

1. The subject property shall be developed in accordance with the revised elevation dated July 19, 2017, that was submitted by the Applicant to the ZONING BOARD OF APPEALS;
2. The materials used for the façade of the subject property's proposed residence, including but not limited to the stone and architectural shingles, shall be similar in quality to those materials utilized on the residence located at 7026 N. Sioux Avenue, Chicago; and
3. The owner of the subject property shall not remove branches from the existing oak tree that is located on the property at 6944 N. Wildwood and overhangs the subject property until October 15, 2017. At that time, such trimming will be done by a certified arborist. The owner of the subject property shall provide a certificate of insurance naming Anne Archer and Dale Salzman – the owners of the property at 6944 N. Wildwood – as additional insureds. The Applicant and the owners of the property at 6944 N. Wildwood may agree to an earlier date for branch removal if a certified arborist from Hendrickson's Tree Company attests in writing that the existing oak tree will not be harmed by removal of the branches before the tree becomes dormant.

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



AUG 21 2017

CITY OF CHICAGO
ZONING BOARD OF APPEALS

Eating Recovery Center, LLC

APPLICANT

414-17-S

CALENDAR NUMBER

1 E. Erie Street

PREMISES AFFECTED

July 21, 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
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 1 E. ERIE
STREET BY EATING RECOVERY CENTER, LLC**

I. BACKGROUND

Eating Recovery Center, LLC (the "Applicant") submitted a special use application for 1 E. Erie Street (the "subject property"). The subject property is currently zoned DX-12 and is improved with six story mixed-use building ("building"). The Applicant proposed to establish a twenty-four (24) hour eating disorder residential treatment program ("Treatment Facility") to serve adults with eating disorders, including binge eating disorder, night eating disorder and bulimia nervosa in patients with comorbid obesity and/or medical conditions on the fourth floor of said building. To establish the Treatment Facility, the Applicant sought a special use to establish a transitional residence on the fourth floor of the building. Such transitional residence would have thirty (30) beds as well as accessory uses such as counseling, medical services and group therapy. 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 thirty (30) bed transitional residence provided that the development is consistent with the design and layout of the floor plan dated April 4, 2017, and prepared by Boulder Associates, Inc.

II. PUBLIC HEARING

A. The Hearing

APPROVED AS TO SUBSTANCE

CHAIRMAN

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's special use application at its regular meeting held on July 21, 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 executive director Dr. Julie Friedman and its attorney Mr. Francis Ostian were present. The Applicant's real estate appraiser Mr. Sylvester J. Kerwin, Jr. was also present. Testifying in opposition to the application were Mr. Ernest Rossi and Mr. Tom Hanson. 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 executive director Dr. Julie Friedman. Dr. Friedman testified as to her background in clinical psychology. She further testified as to the scope of services that would be provided at the Applicant's proposed transitional residence. She testified as to other eating disorder programs operated in the immediate area by the Applicant, including two existing transitional residences for eating disorders, one at 150 E. Huron and one at 200 E. Ohio. She further testified to the Applicant's proposed plan of operations for the proposed transitional residence on the subject property, including the Applicant's extensive screening process for admission to the proposed transitional residence.

The Applicant presented the expert testimony of its real estate appraiser Mr. Sylvester J. Kerwin, Jr. Mr. Kerwin testified as to how the Applicant's proposed transitional residence met all criteria necessary for a special use.

Mr. Ernest Rossi, a unit owner and president of the homeowner's association at 2 E. Erie, testified in opposition to the Applicant's proposed transitional residence. Mr. Rossi testified that it was his belief that the proposed transitional residence would promote evening activity at the subject property, such as people congregating at the front of the subject property, and that allowing the proposed transitional residence would allow other transitional residences into the area. He further testified to his belief that nighttime medical use at the subject property would lead to increased nighttime traffic.

Mr. Tom Hanson, also a unit owner at 2 E. Erie, testified in opposition to the Applicant's proposed transitional residence. He testified that it was his belief that the proposed transitional residence would increase crime in the neighborhood and that he was therefore concerned about neighborhood safety. He testified as to his belief that suicide was a crime. He then inquired of the Applicant how many of its patients had attempted suicide or had broken the law.

In response to questions from Mr. Hanson, Dr. Friedman testified that the Applicant had not had any patients that had attempted suicide or had broken the law. She testified that if any patients had broken the law, said patients would not be allowed admission into the Applicant's eating disorder programs. She testified that the Applicant's patients were, in general, very high functioning patients with jobs and families. She testified that

the Applicant's patients were on waiting lists to enter into the Applicant's programs and take leave from work in order to do so.

Mr. Tom Hanson further testified that it was his belief that the subject property was zoned for office use and that allowing a transitional residence would open the door to larger residential facilities that would cater to those individuals recovering from substance abuse.

Mr. George Blakemore, address unknown, testified in opposition to the Applicant's proposed transitional residence.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Kerwin testified that the subject property is located in a high-density, mixed-use neighborhood. He testified that within this mixed-use, hospital use is a major influence as the Northwestern University medical complex is only about three blocks east of the subject property. He testified that Northwestern University has an immediate care facility around the corner from the subject property at 635 N. Dearborn and that said immediate care facility operates seven days a week between 8:00 AM – 8:00 PM. He testified that the Applicant's two (2) existing transitional residences for eating disorders are located in similar mixed-use areas, and condominium sales have had no diminution of value with respect to the Applicant's existing transitional residences. He testified that the Applicant's proposed transitional residence at the subject property will be a nominal use as the building on the subject property is 126,000 square feet and the Applicant's proposed transitional residence will occupy approximately 23,000 square feet.

In response to further questions by the ZONING BOARD OF APPEALS, Dr. Friedman testified that the Applicant does not allow patients out of its transitional residences after 8:00 PM. The Applicant wants all patients in bed by 10:00 PM, so there is not a lot of evening activity at the Applicant's transitional residences. She testified that visitors are only allowed on weekends from 2:00 PM to 5:00 PM.

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 stated by Mr. Kerwin in his report, the Applicant's proposed transitional residence meets all applicable standards of the Chicago Zoning Ordinance.

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

The proposed special use is in the interest of the public convenience. As very credibly testified by Dr. Friedman, binge eating disorder is the most prevalent eating disorder but until very recently has not been included in the eating disorder diagnostic manual. The proposed special use will serve a previously underserved population. Although the Applicant operates two existing transitional residences for eating disorders, one at 150 E. Huron and one at 200 E. Ohio, neither existing transitional residence serves those with binge eating disorder. Further, as Mr. Kerwin very credibly testified, the Applicant's two existing transitional residences have caused no diminution in the value of condominium sales.

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 Mr. Kerwin very credibly testified, the subject property is located in a mixed-use, high-density area. As Dr. Friedman very credibly testified, the proposed transitional residence will operate much like a hospital. Hospital use is a large part of the mixed-use character of the surrounding area as the Northwestern University medical complex is only about three blocks east of the subject property. In fact, Northwestern University runs an immediate care facility very near the subject property. The proposed special use itself will be located within an existing six story building and its use will be nominal when compared to the square footage of said existing six story building.

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

As Dr. Friedman very credibly testified, the Applicant's proposed transitional residence will be operated in such a manner that it is compatible with the

surrounding area in terms of operating characteristics. Patients will be extensively screened prior to intake, and patients will be supervised at night. Patients will not be allowed out of the proposed transitional residence after 8:00 PM and visitation is limited to weekends between 2:00 PM to 5:00 PM. There will be no more than fifteen employees per shift onsite but at all times there be a primary care physician, a registered nurse and certified nursing assistants. As Mr. Kerwin very credibly testified, the proposed transitional residence will be located in a high-density, mixed-use neighborhood. The proposed transitional use will not generate any measurable noise or traffic as all eating disorder treatment will be conducted within a secured, professional space. There will only be thirty (30) beds at the proposed transitional residence, making the overnight use insignificant when compared to all the hotels, apartment buildings and condominiums in the River North/Streeterville area.

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

As Mr. Kerwin and Dr. Friedman both very credibly testified, the proposed transitional residence will be staffed by medical professionals twenty-four (24) hours a day seven (7) days a week. All activities will be conducted within the existing building at the subject property. As noted above, patients will not be allowed out of the proposed transitional residence after 8:00 PM and visitation is limited to weekends between 2:00 PM to 5:00 PM. All of this will promote pedestrian safety and comfort.

IV. CONCLUSION

For all of these reasons, the ZONING BOARD OF APPEALS finds that the Applicant has proved its case by evidence, testimony and the entire record, including the 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 floor plan dated April 4, 2017, and prepared by Boulder Associates, Inc.; and
2. The special use shall be nontransferable and limited solely to Eating Recovery Center, LLC. In the event that another entity seeks to operate a transitional residence on the subject property, a new special use shall be needed.

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: 744 Buckingham Place, LLC

CAL NO.: 415-17-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
July 21, 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 August 18, 2017 at 2 p.m.

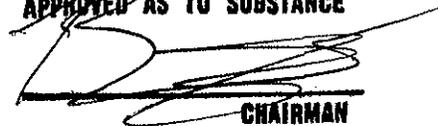
THE VOTE

AUG 21 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.: 416-17-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
July 21, 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 August 18, 2017 at 2 p.m.

THE VOTE

AUG 21 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:
July 21, 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 August 18, 2017 at 2 p.m.

THE VOTE

AUG 21 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: Shi Tan Zheng

CAL NO.: 418-17-Z

APPEARANCE FOR: Rich Toth

MINUTES OF MEETING:
July 21, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2232 S. Princeton Ave/301-07 W. 23rd Place

NATURE OF REQUEST: Application for a variation to reduce the front north setback from the required 10.66' to 3', rear setback from 30' to 18', west setback from 6.25' to 1', east landscaping setback from 7' to 3' and no shrubs for a proposed seven-story, twenty four dwelling unit building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

AUG 21 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 July 21, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 3, 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 north setback to 3', rear setback to 18', west setback to 1', east landscaping setback to 3' and no shrubs for a proposed seven-story, twenty four dwelling unit building; an additional variation was granted at the subject site in Cal. No. 419-17-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: Shi Tan Zheng **CAL NO.:** 419-17-Z
APPEARANCE FOR: Rich Toth **MINUTES OF MEETING:**
July 21, 2017
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2232-44 S. Princeton Ave/301-07 W. 23rd Place

NATURE OF REQUEST: Application for a variation to eliminate the required loading berth for a propose seven-story, twenty-four dwelling unit building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

AUG 21 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		

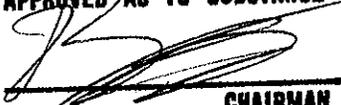
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 21, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 3, 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 eliminate the required loading berth for a propose seven-story, twenty-four dwelling unit building; an additional variation was granted to the subject site in Cal. No. 418-17-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: Tri City Foods, Inc.

CAL NO.: 420-17-S

APPEARANCE FOR: Katrina McGuire

MINUTES OF MEETING:
July 21, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 7538-58 S. Ashland Avenue/1606 W. 76th Street

NATURE OF REQUEST: Application for a special use to establish a one lane drive-through with two order boards to serve a proposed fast food restaurant.

ACTION OF BOARD-
Continued to August 18, 2017 at 2 p.m.

THE VOTE



AUG 21 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: Sandra Gibbons **CAL NO.:** 421-17-Z
APPEARANCE FOR: Same as Applicant **MINUTES OF MEETING:**
July 21, 2017
APPEARANCE AGAINST: None
PREMISES AFFECTED: 3537 W. 103rd Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 28' to 6.25', west setback from 4.80' to 4.71' (east to be 24.37' with a combined side setback of 29.08') for a proposed one-story sunroom addition the existing two-story single family residence.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

AUG 21 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:

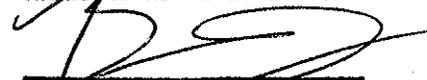
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 21, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 3, 2017; and

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 6.25', west setback to 4.71' (east to be 24.37' with a combined side setback of 29.08') for a proposed one-story sunroom addition 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: Shermeda Love

CAL NO.: 422-17-S

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
July 21, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4410 W. Madison Street

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

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

AUG 21 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 July 21, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 3, 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

APPLICANT: Good Beauty, LLC

CAL NO.: 423-17-S

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
July 21, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2777 N. Milwaukee Avenue

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE



AUG 21 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 July 21, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 3, 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

APPLICANT: Joan Bailye & William Bailye **CAL NO.:** 424-17-Z
APPEARANCE FOR: Mark Kupiec **MINUTES OF MEETING:**
July 21, 2017
APPEARANCE AGAINST: None
PREMISES AFFECTED: 5626 S. Neva Avenue

NATURE OF REQUEST: Application for a variation to reduce the north setback from 4.07' to 3.5' (south to be 10.68'), rear setback from 36.8' to 4.03' for an existing two-car garage with attic storage space that exceeds 15' in height from grade.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

AUG 21 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		

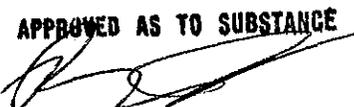
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 21, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 3, 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 3.5' (south to be 10.68'), rear setback to 4.03' for an existing two-car garage with attic storage space that exceeds 15' in height from grade; 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: Claire and Grant Parker CAL NO.: 425-17-Z

APPEARANCE FOR: Nicholas Ftikas MINUTES OF MEETING: July 21, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2037 W. McLean Avenue

NATURE OF REQUEST: Application for a variation to increase the existing floor area (not to exceed 12.75%) from the existing 2482.36 square feet to 2798.4 square feet (addition of 316.48 square feet) for a proposed third floor dormer addition, a rear one and two story addition and an open deck on the existing three-story, front single family residence.*

ACTION OF BOARD- VARIATION GRANTED

THE VOTE

AUG 21 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 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 July 21, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 3, 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 (not to exceed 12.75%) to 2798.4 square feet (addition of 316.48 square feet) for a proposed third floor dormer addition, a rear one and two story addition and an open deck on the existing three-story, front single family residence;* an additional variation was granted to the subject site in Cal. No. 426-17-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.

Recommended at Hearing

APPROVED AS TO SUBSTANCE

Handwritten signature and the word CHAIRMAN printed below it.

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

APPLICANT: Claire and Grant Parker **CAL NO.:** 426-17-Z
APPEARANCE FOR: Nicholas Ftikas **MINUTES OF MEETING:**
July 21, 2017
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2037 W. McLean Avenue

NATURE OF REQUEST: Application for a variation to reduce the combined side yard setback from the required 4.8' to 4.75' for a proposed third floor dormer addition and a rear one and two story addition with an open deck on the existing three-story, front single family residence.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

AUG 21 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		

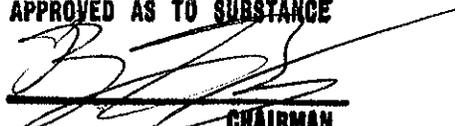
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 21, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 3, 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 combined side yard setback to 4.75' for a proposed third floor dormer addition and a rear one and two story addition with an open deck on the existing three-story, front single family residence; an additional variation was granted to the subject site in Cal. No. 425-17-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: Mark Lewis

CAL NO.: 427-17-S

APPEARANCE FOR: Dean Maragos

MINUTES OF MEETING:
July 21, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 261 W. Cermak Road

NATURE OF REQUEST: Application for a special use to establish a tavern in an existing hotel.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

AUG 21 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 July 21, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 3, 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 tavern in an existing hotel 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 April 4, 2017, prepared by Beron Design Group.

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: Cheryl Sandner **CAL NO.:** 428-17-Z
APPEARANCE FOR: Katrina McGuire **MINUTES OF MEETING:**
July 21, 2017
APPEARANCE AGAINST: None
PREMISES AFFECTED: 215-17 W. Eugenie Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 25.79' to 18.29' for the sub-division of an improved zoning lot with two existing single family homes and two garages (one parking space for 215 W. Eugenie and two parking spaces for 217 W. Eugenie).

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

AUG 21 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 July 21, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 3, 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 18.29' for the sub-division of an improved zoning lot with two existing single family homes and two garages (one parking space for 215 W. Eugenie and two parking spaces for 217 W. Eugenie); additional variations were granted to subject site in Cal. No. 429-17-Z and Cal. No. 430-17-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: Cheryl Sandner **CAL NO.:** 429-17-Z
APPEARANCE FOR: Katrina McGuire **MINUTES OF MEETING:**
July 21, 2017
APPEARANCE AGAINST: None
PREMISES AFFECTED: 215-17 W. Eugenie Street

NATURE OF REQUEST: Application for a variation to reduce the rear yard open space from the required 119.29 square feet to 116.56 square feet to allow for the sub-division of an improved zoning lot with two existing single family homes and two garages (one parking space for 215 W. Eugenie and two parking spaces for 217 W. Eugenie).

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

AUG 21 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 July 21, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 3, 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 116.56 square feet to allow for the sub-division of an improved zoning lot with two existing single family homes and two garages (one parking space for 215 W. Eugenie and two parking spaces for 217 W. Eugenie); additional variations were granted to the subject site in Cal. No. 428-17-Z and 430-17-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: Cheryl Sandner

CAL NO.: 430-17-Z

APPEARANCE FOR: Katrina McGuire

MINUTES OF MEETING:
July 21, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 215-17 W. Eugenie Street

NATURE OF REQUEST: Application for a variation to relocate the rear yard open space on a deck that is more than four feet above ground to permit the subdivision of an improved zoning lot with two single family homes and garages (one parking space for 215 W. Eugenie and two parking spaces for 217 W. Eugenie).

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

AUG 21 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:

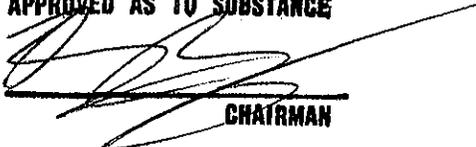
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting on July 21, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 3, 2017; and

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 rear yard open space on a deck that is more than four feet above ground to permit the subdivision of an improved zoning lot with two single family homes and garages (one parking space for 215 W. Eugenie and two parking spaces for 217 W. Eugenie); additional variations were granted to the subject site in Cal. No. 428-17-Z and 429-17-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: Maria Soto **CAL NO.:** 431-17-Z

APPEARANCE FOR: John Fritchey **MINUTES OF MEETING:**
July 21, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2704 N. Oak Park Avenue

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 20' to 11.03', north setback from 2' to 0.95' (south to be 2.76'), combined side setback from 5' to 3.71' for a proposed second floor addition and a rear two-story addition on to the existing single family home.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

AUG 21 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 July 21, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 3, 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 11.03', north setback to 0.95' (south to be 2.76'), combined side setback to 3.71' for a proposed second floor addition and a rear two-story addition on to the existing single family home; 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: Lap Thanh Nguyen

CAL NO.: 432-17-Z

APPEARANCE FOR: Liem Kieu

MINUTES OF MEETING:
July 21, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1972 W. Devon Avenue

NATURE OF REQUEST: Application for a variation to reduce the minimum rear wall facing a side property line setback from the required 12' to 6' for a proposed four-story, five dwelling unit town house building with attached garages and private roof decks and an open stair.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

AUG 21 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 July 21, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 3, 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 minimum rear wall facing a side property line setback to 6' for a proposed four-story, five dwelling unit town house building with attached garages and private roof decks and an open stair; an additional variation was granted to the subject site in Cal. No. 433-17-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: Lap Thanh Nguyen **CAL NO.:** 433-17-Z
APPEARANCE FOR: Liem Kieu **MINUTES OF MEETING:**
July 21, 2017
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1972 W. Devon Avenue

NATURE OF REQUEST: Application for a variation to allow the private yard requirements of 200 square feet to be located on a deck more than 4' above ground for a proposed four-story, five dwelling unit building with attached garages and private roof decks and an open stair.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

AUG 21 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		

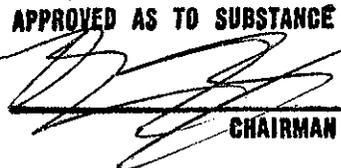
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 21, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 3, 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 allow the private yard requirements of 200 square feet to be located on a deck more than 4' above ground for a proposed four-story, five dwelling unit building with attached garages and private roof decks and an open stair; an additional variation was granted to the subject site in Cal. No. 432-17-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: DR Quality Homes, LLC

CAL NO.: 434-17-Z

APPEARANCE FOR: John Fritchey

MINUTES OF MEETING:
July 21, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1326 W. Newport Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 35.12' to 2.83', east setback from 2.4' to 0.13' (west will be 2.79') for a proposed open stair to access a garage roof deck on an existing garage with a new attached fireplace that exceeds 15' from grade.

**ACTION OF BOARD-
APPLICATION WITHDRAWN**

THE VOTE

AUG 21 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



AUG 21 2017

**CITY OF CHICAGO
ZONING BOARD OF APPEALS**

435-17-S

CALENDAR NUMBER

July 21, 2017

HEARING DATE

**Center for Economic Research & Social
Change**

APPLICANT

800 W. Buena Avenue

PREMISES AFFECTED

ACTION OF BOARD

THE VOTE

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

	AFFIRMATIVE	NEGATIVE	ABSENT
Blake Sercye (recused)	<input 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 APPLICATION FOR 800 W. BUENA
AVENUE BY CENTER FOR ECONOMIC RESEARCH & SOCIAL CHANGE**

I. BACKGROUND

Center for Economic Research & Social Change (the "Applicant") submitted a special use application for 800 W. Buena Avenue (the "subject property"). The subject property is currently zoned RS-1 and is improved with an existing three story building ("building"). Previously, the Menomonee Club ("Club") operated a community center in the building pursuant to a special use approved by the ZONING BOARD OF APPEALS under Board Cal. No. 156-10-S. The Applicant proposed to purchase the subject property from the Club and establish its own community center in the building. To establish said community center, the Applicant sought a special use. In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City's Department of Planning and Development ("Department") recommended approval of the proposed community center provided that the development is consistent with the design and layout of the plans and drawings dated April 19, 2017, and prepared by 34-TEN, LLC.

II. PUBLIC HEARING

A. The Hearing

APPROVED AS TO SUBSTANCE

CHAIRMAN

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's special use application at its regular meeting held on July 21, 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 financial director Mr. Behzad Raghian and its attorney Mr. Tyler Manic were present. The Applicant's real estate appraiser Mr. Michael Wolin and its traffic engineer Mr. Luay Aboona were also present. Testifying in support of the Applicant's proposed special use were Alderman James Capplemann, Mr. Gene Tenor, Mr. Ed Blecker, Ms. Audrey Barsella, Mr. Renner Barsella, Mr. Jeffery Littleton, Mr. Will Bader, and Mr. Curt Weil. Testifying in opposition to the Applicant's proposed special use were Dr. Marc Karlan and Ms. Suzanne Downs-Breo. 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 its financial director Mr. Behzad Raghian. Mr. Raghian testified as to the Applicant's operations as a non-profit education foundation. He testified that while the Applicant had a number of projects, its most prominent was the book publishing company Haymarket Books. He testified the Applicant also published the quarterly *International Socialist Review*, hosted the website *We Are Many*, co-sponsored the annual Socialism Conference, and was the fiscal sponsor of the website *Mondoweiss*. He testified that with respect to the subject property, the Applicant proposed to use the first floor of the building as a community center while the second and third floors of the building as well the building's coach house would house offices for Haymarket Publishing. He testified that the Applicant had been looking for a space where the authors of books published by Haymarket Books could engage with the public. He testified that due to the dwindling number of book stores both in the City and nationally, there are fewer venues for the Applicant's authors to participate with the community. He testified that the Applicant expected to have author events – such as poetry readings – once or twice a month. He testified that when not hosting author events, the Applicant would open up the first floor to use by block clubs, condo associations and other neighborhood groups for a nominal fee and on an as-available basis.

Mr. Raghian testified that with respect to the operations of Haymarket Books, the Applicant would have sixteen (16) full-time employees that would work at the subject property Monday through Friday, 9:00 AM – 5:00 PM. He testified that many of the employees lived nearby and there was ample parking for said employees on-site. With respect to events open to the public, he testified that the Applicant would direct event attendees to utilize the public pay lots near the subject property.

The Applicant presented the expert testimony of its real estate appraiser Mr. Michael Wolin. Mr. Wolin testified as to how the Applicant's proposed community center met all criteria necessary for a special use.

The Applicant presented the expert testimony of its traffic engineer Mr. Luay Aboona. Mr. Aboona testified that the Applicant's proposed community center complies with all applicable parking and traffic standards of the Chicago Zoning Ordinance. He testified that on a daily basis the proposed use would generate low traffic and parking and, as a result, the proposed use will not have a detrimental impact on the traffic and parking conditions in the area. He further testified that the Applicant's proposed community center will have much less of a traffic impact than the Club's community center.

Alderman James Cappleman, Mr. Gene Tenor, of 4205 N. Sheridan Road, Mr. Ed Blecker, of 4416 N. Sheridan Road, Ms. Audrey Barsella, of 4017 N. Clarendon Avenue, Mr. Renner Barsella, also of 4017 N. Clarendon Avenue, Mr. Jeffrey Littleton, of 4727 Malder Street, Mr. Will Bader, executive director of the Club, and Mr. Curt Weil, of 702 W. Gordon Terrace, all testified in support of the Applicant's proposed community center.

Dr. Marc Karlan, of 750 W. Hutchinson Street, testified in opposition to the Applicant's proposed community center. He testified that it was his belief that the Applicant's proposed use of the building was not a community center use. He testified that it was his belief that only a public or civic organization could have a community center under the Chicago Zoning Ordinance and that the Applicant was neither a public nor civic organization. He further testified that it was his belief the Applicant was not a park. He testified that the Applicant was a business and therefore could not have a community center under the Chicago Zoning Ordinance. He further testified that the Applicant's use was not recreational and recreational use was needed for a community center.

In response to Dr. Karlan's testimony, the ZONING BOARD OF APPEALS stated that the Applicant had proposed to have poetry readings at the subject property and that some people perceived poetry readings as a recreational activity.

Ms. Suzanne Downs-Breo, of 800 W. Buena Avenue, testified in opposition to the Applicant's proposed community center. She testified that there are five (5) existing community centers within walking distance of the subject property and therefore the Applicant's proposed community center was not in the interest of the public convenience and would instead have a significant adverse impact on the general welfare of the neighborhood.

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 Mr. Wolin very credibly testified, the proposed community use will comply with all applicable standards of the Chicago Zoning Ordinance. The special use is compatible with other local uses and will be beneficial to the surrounding neighborhood. The subject property has been operating under a special use since 2010 and the new special use will not significantly change the subject property's use in terms of utility, hours of operation or parking requirements and needs.

Further, and contrary to Dr. Karlan's assertions, the Applicant's proposed special use is a "community center" under the Chicago Zoning Ordinance. "Community center" is not defined under the Chicago Zoning Ordinance and thus pursuant to Section 17-1-0602 of the Chicago Zoning Ordinance "community center" has the meaning given in the latest edition of Merriam Webster's Collegiate Dictionary ("Merriam Webster"). Merriam Webster defines "community center" as "a building or group of buildings for a community's educational and recreational activities." Based on Mr. Raghian's very credible testimony of the Applicant's proposed use of the subject property, there is no doubt that the Applicant's proposed special use is a "community center" under the Chicago Zoning Ordinance.

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

The proposed special use is in the interest of the public convenience. As very credibly testified to by Mr. Raghian, due to the dwindling number of book stores both in the City and nationally, there are fewer venues for the authors to participate with the community. The Applicant proposes to have one to two events per months, such a poetry readings by its authors, and then allow other community groups to use the building's first floor space for a nominal fee and on an as-available basis. Further, the proposed community center will not have a significant adverse impact on the general welfare of the neighborhood due to the

fact that since 2010, the Club has operated a community center at the subject property with no adverse impact. In fact, as very credibly testified by Mr. Aboona, the Applicant's proposed community center will generate less traffic and have much less of an impact on neighborhood traffic than the Club's community center.

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

The proposed special use will be located on the first floor of the existing building on the subject property. Although Mr. Raghian testified there will be exterior masonry work done to the building and a new roof will be put on, the building and its coach house will remain.

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.*

Based on Mr. Raghian's very credible testimony of the Applicant's proposed plan of operations at the subject property, the Applicant's use of the subject property will be low-intensity and thus compatible with the surrounding residential area. All sixteen (16) of the Applicant's employees will be able to park on-site. For the most part, the Applicant will be utilizing the subject property Monday – Friday, 9:00 AM to 5:00 PM, which again, is compatible with the surrounding residential area. When the Applicant holds its events, there is ample nearby public parking for event attendees. Moreover, as Mr. Aboona very credibly testified, not much traffic will be generated on a day-to-day basis.

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

As noted above, not much traffic will be generated on a day-to-day basis. The proposed special use will be located within an existing building with on-site parking for the Applicant's employees, and there is ample nearby public parking for the Applicant's monthly events.

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 condition:

1. The special use shall be developed consistently with the design and layout of the plans and drawings dated April 19, 2017, and prepared by 34-TEN, LLC.

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: 2048 Bingham, LLC

CAL NO.: 436-17-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
July 21, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2048 N. Bingham Street

NATURE OF REQUEST: Application for a variation to reduce the front setback along Stave Street from the required 24.35' to zero and reduce the front setback feature from 20' to zero for a proposed two-story, single family residence with a detached garage on a through lot.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

AUG 21 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 July 21, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 3, 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 along Stave Street to zero and reduce the front setback feature to zero for a proposed two-story, single family residence with a detached garage on a through lot; 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: 2122 Bingham, LLC **CAL NO.:** 437-17-Z
APPEARANCE FOR: Nicholas Ftikas **MINUTES OF MEETING:**
July 21, 2017
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2122 N. Bingham Street

NATURE OF REQUEST: Application for a variation to reduce the front setback on Stave Street from the required 29.99' to zero for a proposed detached two-car garage and a 6' high wood fence to serve a proposed two-story single family residence.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

AUG 21 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:

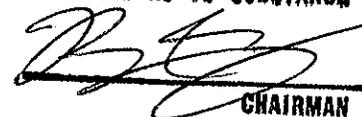
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 21, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 3, 2017; and

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 on Stave Street to zero for a proposed detached two-car garage and a 6' high wood fence to serve a proposed two-story single family residence; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

CAL NO.: 438-17-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
July 21, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1620 W. Pierce Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 28' to 21.33', east and west setback from 2' each to zero, combined side setback from 4.8' to zero for a proposed rear two story addition connecting to an existing detached garage with a roof deck which shall also contain the relocated rear yard open space.

ACTION OF BOARD-
Continued to August 18, 2017 at 2 p.m.

THE VOTE

AUG 21 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: Wendell Ryan Properties, LLC

CAL NO.: 439-17-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
July 21, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1337 N. Wicker Park Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 22.4' to 2', east setback from 2' to .61' (west to remain at 2') for a proposed two-story, rear addition to an existing two-story, two unit residential building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

AUG 21 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		

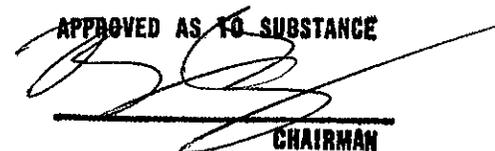
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 21, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 3, 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 2', east setback to .61' (west to remain at 2') for a proposed two-story, rear addition to an existing two-story, two unit residential building; an additional variation was granted to the subject site in Cal. No. 440-17-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: Wendell Ryan Properties, LLC

CAL NO.: 440-17-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
July 21, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1337 N. Wicker Park Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear yard open space from the required 124 square feet to zero for a proposed rear two story addition to an existing two-story, two unit residential building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

AUG 21 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		

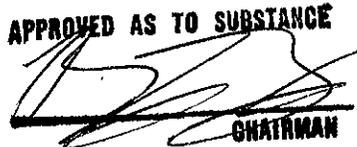
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 21, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 3, 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 zero for a proposed rear two story addition to an existing two-story, two unit residential building; an additional variation was granted to the subject site in Cal. No. 439-17-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
121 North LaSalle Street
Chicago, Illinois 60602
TEL: (312) 744-3888



AUG 21 2017

**CITY OF CHICAGO
ZONING BOARD OF APPEALS**

Hail Investments, LLC

APPLICANT

441-17-Z

CALENDAR NUMBER

2900-06 W. Logan Blvd.

PREMISES AFFECTED

July 21, 2017

HEARING DATE

ACTION OF BOARD

THE VOTE

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

Blake Sercye
Shaina Doar
Sol Flores
Sam Toia
Amanda Williams

AFFIRMATIVE NEGATIVE ABSENT

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**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE VARIATION APPLICATION FOR 2900-06 W.
LOGAN BLVD. BY HAIL INVESTMENTS, LLC**

I. BACKGROUND

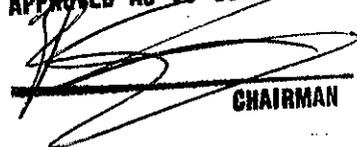
Hail Investments, LLC (the "Applicant") submitted a variation application for 2900-06 W. Logan Blvd. (the "subject property"). The subject property is currently zoned RT-4 and is currently improved with an existing church ("church"). The Applicant proposed to convert the church to a multifamily residential housing development with nine (9) dwelling units ("proposed conversion"). To permit this proposed conversion, the Applicant sought a variation to reduce the lot area from the required 9,000 square feet to 8,750 square feet.

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 July 21, 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. Frank Campise and its attorney Ms. Katriina McGuire were present. The Applicant's architect Mr. Jean DuFreone was also present. Testifying in opposition to the Applicant's requested variation were Mr. Gilbert Jimenez,

APPROVED AS TO SUBSTANCE


CHAIRMAN

Ms. Lorraine Michaelsen, and Ms. Marilyn Drury-Katillo. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

The ZONING BOARD OF APPEALS stated that if the ZONING BOARD OF APPEALS were to grant the requested variation, such variation would be subject to the condition that the Applicant could not seek a building permit unless and until the church has been incorporated into the Logan Square Boulevards District ("District") by the Commission on Chicago Landmarks ("Landmarks").

The Applicant's attorney Ms. Katriina McGuire stated that this was fully understood.

The Applicant presented the expert testimony of its architect Mr. Jean DuFreone. Mr. DuFreone testified as to his program of development for the conversion of the existing church to multifamily residential housing. He testified that the Applicant would not be making the church any bigger with the conversion but would instead be using the existing square footage of the church. He testified that there would be extensive preservation of the church in coordination with Landmarks. He testified that the requested variation allowed the Applicant to maximize the square footage of the church and maintain the way the church is split up. He testified that due to the current way the church is organized, the requested variation allows the Applicant's proposed residential units to make sense. He testified that in addition to the repurposing of the historic church, the Applicant had an additional hardship in that the subject property is only seventy feet (70') wide. He testified that if the church had been built over three standard sized City lots, the width of the subject property would have been seventy-five feet (75') wide and no variation would have been necessary. Instead, he testified that the subject property is 2.89% short. He further testified that rehabbing a historic structure is more expensive than an ordinary rehabilitation project.

Mr. DuFreone testified that the church was compatible with the character of the surrounding area in terms of site planning, building scale and design. He testified that the variation, if granted, would not alter the essential character of the neighborhood. He testified that the requested variation will not impair an adequate supply of light and air to adjacent property. He testified that the except for the requested variation, the proposed conversion complies with all applicable rules. He testified that the requested variation would not adversely affect traffic, public safety or property values.

The Applicant presented the testimony of its manager Mr. Frank Campise. Mr. Campise testified that it was the Applicant's intention to spend approximately \$1.5 million to renovate the church. He testified that the cost of this rehabilitation and continued maintenance after rehabilitation posed a significant hardship if the additional unit were not allowed. He testified the historic rehabilitation of the church cost thirty to thirty-five percent (30-35%) more than a rehabilitation of a non-historic building. He testified that this is based on his prior experience with the Applicant's previous renovation of a historic church at the corner of Evergreen and Damen. He testified that the cost of replicating stained glass is completely different than renovating a non-historic

building. He testified that with respect to project density, the project as proposed with nine dwelling units will have four fewer bedrooms than if the project were built with eight dwelling units. He testified that if the Applicant were only allowed to convert the church to eight dwelling units, the Applicant would subdivide the interior of the church differently. In consequence, he testified the eight units would have more bedrooms.

Mr. Gilbert Jimenez, of 2908 W. Logan Blvd., Ms. Lorraine Michaelson, of 2910 W. Logan Blvd., and Ms. Marilyn Drury-Katillo, of 2435-41 W. Logan Blvd., all testified in opposition to the Applicant's requested variation. Their opposition stemmed from fact that no parking would be provided with the proposed conversion. They testified to their belief that lack of parking is already a huge problem in the neighborhood.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Jimenez testified that the church previously generated street and parking traffic during its Sunday masses. He testified that the church also ran ancillary programs, such as alcoholics anonymous.

Ms. Michaelson testified that with respect to traffic generated by the church's congregation, such traffic left the neighborhood after church was over.

Mr. Jimenez then testified that he was withdrawing his objection to the Applicant's requested variation due to Mr. Campise's testimony that should the variation not be granted, there would have four more bedrooms in the church.

In response to concerns raised by Mr. Jimenez, Ms. Michaelson, and Ms. Drury-Katillo, Ms. McGuire reminded the ZONING BOARD OF APPEALS that there is no parking required under the Chicago Zoning Ordinance for the adaptive reuse of the church into residential units. She reminded that once the church had been incorporated the District by Landmarks, no parking would be required for any of the dwelling units. As the Applicant could therefore build eight units as of right with no required parking, the only density being added by the variation was the one additional unit. Further, she stated that variations are granted due to particular hardships and unique circumstances. She reminded that the Chicago Zoning Ordinance waives parking requirements for buildings in historic districts because the City wants to promote the reuse of those structures.

B. Criteria for a Variation

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

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

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

III. FINDINGS OF FACT.

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

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

The historic church on a slightly too-small lot creates practical difficulties or particular hardships for the subject property.

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

The requested variation promotes the rehabilitation and reuse of older buildings as set forth in Section 17-1-0511, protects the character of established residential

neighborhoods as set forth in Section 17-1-509 of the Chicago Zoning Ordinance, and helps maintain a range of housing choices and options as set forth in Section 17-1-0512 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.*

Mr. Campise testified that the cost to rehabilitate and maintain the church would be thirty to thirty-five percent (30-35%) more than a rehabilitation of a regular, non-historic building. The Applicant is therefore spending \$1.5 million to rehabilitate the church. Nine units allow the Applicant to better maximize the interior space of the church and, consequently, make the dwelling units more marketable than eight units.

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

The unique circumstances of the rehabilitation and conversion of the historic church on a slightly too-small lot are due to unique circumstances and are not generally applicable to other rehabilitation projects.

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

The exterior of the church will remain the same. The variation will only affect the interior of the church and therefore will not alter the essential character of the neighborhood.

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

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

The rehabilitation and conversion of the historic church on a slightly too-small lot results in particular hardship on the Applicant, as very credibly testified to by both Mr. Campise and Mr. DuFreone.

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 rehabilitation and conversion of the historic church on a slightly too-small lot are not conditions applicable, generally, to other property in 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.*

The variation is not based exclusively upon a desire to make more money out of the subject property. As Mr. DuFreone very credibly testified, the requested variation allows the Applicant's proposed residential units to utilize the current interior organization of the church and thus have the layouts of the residential units make much more sense.

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

The Applicant did not create the historic church on a slightly too-small lot.

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 the exterior of the church will remain the same, the granting of the variation will not be detrimental to the public welfare of 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.*

Again, as the exterior of the church will remain the same, the granting of the variation will not impair an adequate supply of light and air to adjacent property or increase the danger of fire or endanger the public safety or substantially diminish or impair property values. Further, the addition of one dwelling unit will not substantially increase congestion in the public streets.

IV. CONCLUSION

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

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

1. The Applicant shall not pursue a building permit for its proposed conversion unless and until the church has been incorporated into the District by Landmarks.

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



AUG 21 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

Amy Crane

APPLICANT

442-17-Z
CALENDAR NUMBER

57 E. Division Street

PREMISES AFFECTED

July 21, 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 57 E. DIVISION
STREET BY AMY CRANE**

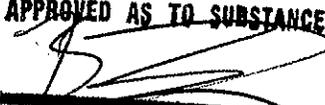
I. BACKGROUND

Amy Crane (the "Applicant") submitted a variation application for 57 E. Division Street (the "subject property"). The subject property is currently zoned DR-3 and is currently improved with a single-family historic 1889 row house. The Applicant proposed to construct a new rear addition and attached rear garage to the said existing row house. To permit the proposed construction, the Applicant sought a variation to reduce: (1) the rear setback from 25.95' to 0'; and (2) the rear setback from the property line to enclosed parking from 2' to 0'.

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's variation application at its regular meeting held on July 21, 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 her proposed Findings of Fact. The Applicant Ms. Amy Crane and her attorney Mr. Nick Ftikas were present. The Applicant's architect Mr. Jeff Funke was also present. Testifying in opposition to the Applicant's requested variation was Ms. Laura Georgeson. The statements and testimony

APPROVED AS TO SUBSTANCE

CHAIRMAN

given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

In response to questions from the ZONING BOARD OF APPEALS, the Applicant's attorney Mr. Nick Ftikas confirmed that there was a civil matter currently pending between Ms. Crane and Ms. Georgeson. Mr. Ftikas stated that although said civil matter involved Ms. Georgeson's belief that Ms. Crane had encroached upon Ms. Georgeson's property, the requested variation was wholly contained within the subject property's boundaries. Ms. Laura Georgeson confirmed that the requested variation was separate from the encroachment currently being litigated in the civil matter.

Mr. Ftikas explained that the requested variation stemmed from the existing condition of the subject property as the subject property was improved with an 1889 historic home located in the Gold Coast historic district. He explained that since the subject property was located in the Gold Coast historic district, the Applicant had to comply with standards promulgated by the Commission on Chicago Landmarks ("Landmarks"). Further, the subject property was a substandard lot as it measured only twenty-two feet (22') wide by eighty-six and a half feet (86.5') deep. Mr. Ftikas explained that although the Applicant's current addition is properly permitted, the Applicant proposed to change its current design and extend the proposed addition to the rear of the subject property. He stated that the Applicant's current addition consisted of a rear addition and an attached rear garage with roof-deck. Mr. Ftikas then submitted and the ZONING BOARD OF APPEALS accepted into the record a series of photographs taken by Mr. Jeff Funke depicting the condition of the block. Mr. Ftikas explained that an attached garage with roof-deck is common in the neighborhood and that both of the Applicant's immediate neighbors, including Ms. Georgeson, have improvements on the rear property line.

In response to questions from the ZONING BOARD OF APPEALS, the Applicant's architect Mr. Jeff Funke testified that no stop work order had ever been issued from the City's Department of Buildings ("Buildings") with respect to the current addition. However, he testified that the Applicant had been asked to stop work due to an encroachment the Applicant inadvertently created. He testified that said encroachment has since been corrected, and the Applicant has been getting regular inspections from Buildings.

The Applicant then presented expert testimony of Mr. Jeff Funke. Mr. Funke further testified that the proposed rear addition and attached rear garage fit within the character of the neighborhood. He testified that the proposed variation would not impair an adequate supply of light and air to adjacent property.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Ftikas explained that while the Applicant could complete the current work without the requested variation, the Applicant wished to change its plans for the addition.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Funke testified that the change in plan was done to add green space. He directed the ZONING

BOARD OF APPEALS' attention to the previously submitted photographs of the block showing that roof decks are common in the area to provide green space. He testified that as the Applicant's lot was only about 86' long, the requested variation was to modify the currently permitted addition for more outdoor space.

Ms. Laura Georgeson, of 55 E. Division and the neighbor next west to the subject property, testified in opposition to the Applicant's requested variation. She testified that the portion of the rear addition and rear attached garage already erected was only five feet (5') away from her windows. She then referred to a survey from 1946 that she had brought to the hearing and testified as to her belief that there is courtyard area between the Applicant's existing row house and her home. She testified that the Applicant's rear addition and rear attached garage would build into said courtyard area and block light into her kitchen.

The ZONING BOARD OF APPEALS stated that with respect to the portion of the rear addition and rear attached garage that already been built, it was the ZONING BOARD APPEALS' understanding from Mr. Funke's testimony that this had been built as of right with properly issued permits.

In response to Ms. Georgeson's testimony, Mr. Ftikas explained that there is no deed restriction and nothing in the history of the subject property that would prevent the Applicant from developing the area Ms. Georgeson referred to as a courtyard.

In response to Ms. Georgeson's testimony, Mr. Funke further testified that prior to the hearing, he had gone over the Applicant's plans with Ms. Georgeson at great length. He testified that he had shown Ms. Georgeson what portions of the rear addition and rear attached garage were permitted as of right. He testified that the survey from 1946 did not show the addition made to Ms. Georgeson's home. He testified that this addition was made at the property line and, consequently, the window she had testified to was on the property line. He testified that due to this window on the property line, the Applicant had lowered the ceiling of the garage so that it would not completely block the window. He further testified that the Applicant had two windows in her kitchen: the window she had previously testified to and a window on the alley that faces the alley. He testified that the rear addition and attached rear garage would therefore not block all of Ms. Georgeson's light. He testified as to the fact that Ms. Georgeson's building encroached onto the subject property line, and the Applicant had done all she could to accommodate this.

In response, Ms. Georgeson testified as to her belief that the Applicant would be building into the alley.

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.*

A standard City lot is 25' wide by 125' long. The subject property is only 22' wide by 86.5' long. The subject property is improved with a 1889 historic row house. Further, the subject property is located in the Gold Coast Historic District and therefore subject to the standards promulgated by Landmarks. Without the requested variation, the Applicant would not be able to build the proposed rear

addition and proposed rear attached garage in such a way as to maximize the open space of the subject property.

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 as set forth in Section 17-1-0511, protects the character of established residential neighborhoods as set forth in Section 17-1-509 of the Chicago Zoning Ordinance, and helps maintain a range of housing choices and options as set forth in Section 17-1-0512 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.*

The Applicant intends to occupy the home with her family, so the requested variation is not motivated by return expectancies. Nevertheless, the requested variation will allow the Applicant to maximize open space on a very short lot as well as providing Chicago Zoning Ordinance compliant onsite parking.

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

The existing home on the subject property is a 1889 historic row house that is currently nonconforming with respect to the Chicago Zoning Ordinance. The subject property is substandard as it is only 22' wide by 86.5' long. The subject property is located in the Gold Coast Historic District and thus subject to additional standards promulgated by Landmarks. None of these circumstances are generally applicable to other single-family residential property.

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

As shown by Mr. Funke's photographs, there are many other garage roof decks in the area. Further, both adjoining neighbors to the subject property have improvements built to the rear property line.

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

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

The substandard lot size, the nonconforming 1889 historic row house, and the fact the subject property is located in the Gold Coast Historic District and thus subject to additional standards from Landmarks with respect to any addition results in particular hardship upon the Applicant 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 substandard lot size, the nonconforming 1889 historic row house and the fact that the subject property is located in the Gold Coast Historic District and thus subject to additional standards from Landmarks with respect to any addition are not conditions generally applicable to other property within the DR-3 zoning classification.

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

The variation is not based exclusively upon a desire to make more money out of the subject property but rather a desire to maximize the Applicant's amount of usable open space on the subject property.

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

The Applicant did not create the substandard lot size, the nonconforming 1889 historic row house or the fact that the subject property is located in the Gold Coast Historic District and thus subject to additional standards from Landmarks with respect to any addition.

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, there are other garage roof decks in the area. Both of the adjacent properties have improvements built to the rear lot line. Further, as Mr. Funke very credibly testified, due to the fact that Ms. Georgeson's home encroaches into the subject property, the Applicant made sure its proposed addition suitably accommodated these encroachments.

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

The variation will not impair an adequate supply of light and air to adjacent property. Although Ms. Georgeson testified that the rear addition and rear attached garage would block light to her kitchen, this portion of the Applicant's rear addition and rear attached garage required no variation and was built as of right. As Mr. Funke very credibly testified, the rear addition and rear attached garage were designed so that light would still come into Ms. Georgeson's kitchen window located at the property line. Further, Mr. Funke very credibly testified that Ms. Georgeson had another window in her kitchen that faced the alley. In addition, no west side yard reduction was requested by the Applicant. The variation will not substantially increase congestion in the public streets but will in fact provide Chicago Zoning Code compliant on-site parking. As shown by the plans for the proposed rear addition and rear attached garage, the variation will not increase the danger of fire, or endanger the public safety, or 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: Caroline Kalember

CAL NO.: 443-17-Z

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
July 21, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1825 S. Carpenter Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 30.11' to 22.5' for a bridge connection to access a garage roof deck from an existing spiral stair on the existing four-story, two dwelling unit building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

AUG 21 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 July 21, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 3, 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 22.5' for a bridge connection to access a garage roof deck from an existing spiral stair on the existing four-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: Margarita Alcantara Garcia

CAL NO.: 444-17-S

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
July 21, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3935 W. North Avenue

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

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

AUG 21 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

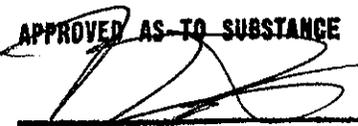
AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 21, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 3, 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: Cards Against Humanity, LLC

CAL NO.: 445-17-S

APPEARANCE FOR: John Fritchey

MINUTES OF MEETING:
July 21, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1915-17 N. Elston Avenue

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

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

AUG 21 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		

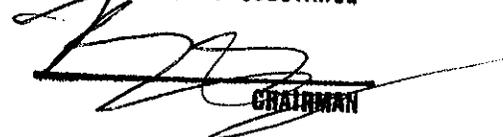
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 21, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 3, 2017; and

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 small venue 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 seating capacity is limited to 67 seats in the theater space.

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: 1220NBA, LLC

CAL NO.: 446-17-S

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:
July 21, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1220 N. Bosworth Avenue

NATURE OF REQUEST: Application for a special use to establish residential use below the second floor for a proposed three-story, townhouse building with twenty-three dwelling units and twenty three attached garages, side open stairway and roof decks.

ACTION OF BOARD-
Continued to August 18, 2017 at 2 p.m.

THE VOTE

AUG 21 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: 1220NBA, LLC

CAL NO.: 447-17-S

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:
July 21, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1220 N. Bosworth Avenue

NATURE OF REQUEST: Application for a variation to permit the establishment of reduce the front wall setback facing a public street from the required 12' to zero, front wall setback facing an alley from 3' to 1.67' for a proposed three-story, twenty-three dwelling unit town house building with twenty-three attached garages, side open stairway and roof decks.

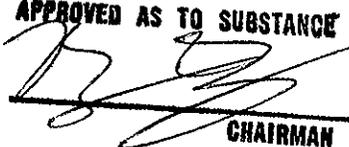
ACTION OF BOARD-
Continued to August 18, 2017 at 2 p.m.

THE VOTE

AUG 21 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
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X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 1220NBA, LLC

CAL NO.: 448-17-S

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:
July 21, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1220 N. Bosworth Avenue

NATURE OF REQUEST: Application for a variation to reduce the private yard area per unit from the required 200 square feet to 174 square feet for a proposed three-story, twenty-three dwelling unit town house building with twenty-three attached garages, side open stairway and roof decks.

ACTION OF BOARD-
Continued to August 18, 2017 at 2 p.m.

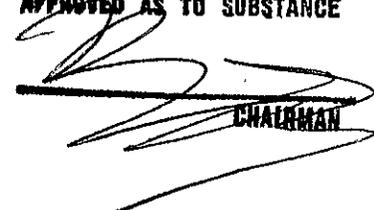
THE VOTE

AUG 21 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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X		
X		

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

APPLICANT: 1220NBA, LLC

CAL NO.: 449-17-S

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:
July 21, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1220 N. Bosworth Avenue

NATURE OF REQUEST: Application for a variation to reduce the private yard area per unit from the required 200 square feet to 174 square feet for a proposed three-story, twenty-three dwelling unit town house building with twenty-three attached garages, side open stairway and roof decks.

ACTION OF BOARD-
Continued to August 18, 2017 at 2 p.m.

THE VOTE

AUG 21 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 1220NBA, LLC

CAL NO.: 450-17-S

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:
July 21, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1220 N. Bosworth Avenue

NATURE OF REQUEST: Application for a variation to eliminate the one required loading berth for a proposed three-story, twenty-three dwelling unit town house building with twenty-three attached garages, side open stairway and roof decks.

ACTION OF BOARD-
Continued to August 18, 2017 at 2 p.m.

THE VOTE

AUG 21 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: Huazhen Wong

CAL NO.: 451-17-S

APPEARANCE FOR: John Pikarski

MINUTES OF MEETING:
July 21, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2215 S. Bosworth Avenue

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

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

**AUG 21 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS**

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 21, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 3, 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):

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: Gente Bella Beauty Salon Inc. **CAL NO.:** 452-17-S
APPEARANCE FOR: Same as Applicant **MINUTES OF MEETING:** July 21, 2017
APPEARANCE AGAINST: None
PREMISES AFFECTED: 4346 W. 26th Street
NATURE OF REQUEST: Application for a special use to establish a beauty salon.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

AUG 21 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		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 21, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 3, 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: Stephanie C. Bransfield

CAL NO.: 453-17-A

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
July 21, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2853 W. Leland Avenue

NATURE OF REQUEST: Application for an Objector's Appeal of the decision of the Office of the Zoning Administrator in granting an administrative adjustment to the property at 2853 W. Leland Avenue.

**ACTION OF BOARD-
DECISION OF LAW**

Continued to August 18, 2017 at 2 p.m.

THE VOTE

AUG 21 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 ACCURACY


CHAIRMAN

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



AUG 21 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BMO Harris Bank, N.A.
APPLICANT

454-17-S
CALENDAR NUMBER

3101 N. Broadway
PREMISES AFFECTED

July 21, 2017
HEARING DATE

ACTION OF BOARD

THE VOTE

The application for the special use is approved.

	AFFIRMATIVE	NEGATIVE	ABSENT
Blake Sercye (recused)	<input 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 APPLICATION FOR 3101 N.
BROADWAY BY BMO HARRIS BANK, N.A.**

I. BACKGROUND

BMO Harris Bank, N.A. (the "Applicant") submitted a special use application for 3101 N. Broadway (the "subject property"). The subject property is currently zoned B3-2 and is improved with a one-story retail unit ("unit"). The Applicant proposed to lease the unit and establish a bank branch and publicly accessible automatic teller machine ("ATM") on the subject property. To establish said bank branch and ATM, the Applicant sought a special use. In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City's Department of Planning and Development ("Department") recommended approval of the proposed retail bank.

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 July 21, 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 corporate real estate senior portfolio manager Mr. John Burk and

APPROVED AS TO SUBSTANCE

CHAIRMAN

its attorney Mr. Nick Ftikas were present. The Applicant's real estate appraiser Mr. Terrance O'Brien was also present. Testifying in opposition to the Applicant's proposed special use was Ms. Maureen Martino. 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 corporate real estate senior portfolio manager Mr. John Burk. Mr. Burk testified that the Applicant had entered into a lease for the 3,000 square foot unit on the subject property. He testified that the Applicant proposed to locate and establish a bank branch and ATM at the unit and that said unit had been vacant for about a year. He testified that the Applicant intends to invest \$1.7 million to bring the unit up to operational standards. He testified that this would be a manned branch bank. He testified that the Applicant had a branch nearby at 558 W. Diversey but that the Applicant intended to transition that branch over to the subject property. He testified that the Applicant therefore already had a presence in the neighborhood and that it wished to maintain its presence with the proposed retail bank.

The Applicant presented the expert testimony of its real estate appraiser Mr. Terrance O'Brien. Mr. O'Brien testified as to how the Applicant's proposed retail bank met all the criteria necessary for a special use.

Ms. Maureen Martino, executive director of the Lakeview East Chamber of Commerce ("Chamber of Commerce") with offices at 3138 N. Diversey, testified in opposition to the Applicant's proposed special use. She testified that the Chamber of Commerce did not support the Applicant's proposed special use because there were already several options for banking in the neighborhood and the Chamber of Commerce wished to see more diversity of uses in the area.

The ZONING BOARD OF APPEALS stated that based on testimony presented at the hearing, the Applicant was closing its existing bank branch in the neighborhood and relocating to the subject property. The ZONING BOARD OF APPEALS then asked Ms. Martino where the Applicant's current customers would bank in the neighborhood if the ZONING BOARD OF APPEALS denied the requested special use.

Ms. Martino testified that the Chamber of Commerce would be willing to work with the Applicant to find an alternative location. She testified that the Chamber of Commerce believed the unit on the subject property was more suitable to a different use.

B. Criteria for a Special Use

Pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance, no special use application may be approved unless the ZONING BOARD OF APPEALS finds that the proposed use in its proposed location meets all of the following criteria: (1) it complies with all applicable standards of the Chicago Zoning Ordinance; (2) it is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of the neighborhood or community; (3) it is compatible with the character of the

surrounding area in terms of site planning and building scale and project design; (4) it is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation; and (5) it is designed to promote pedestrian safety and comfort.

III. FINDINGS OF FACT

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

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

The proposed special use complies with all applicable standards of the Chicago Zoning Ordinance because were it not for the fact that there is another financial institution within 600 feet of the subject property, the Applicant could establish its retail bank at the subject property as of right.

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

The proposed special use is in the interest of the public convenience because the Applicant will be relocating its current neighborhood branch at 558 W. Diversey to the subject property. The Applicant's current customers at 558 W. Diversey will still need somewhere in the neighborhood to bank. Further, the proposed special use will not have a significant adverse impact on the general welfare of the neighborhood because as Mr. O'Brien very credibly testified, the proposed special use is compatible and harmonious with the other land uses in the area.

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

As noted above, the proposed special use is compatible and harmonious with the other land uses in the area. Broadway at this location is primarily a commercial strip, with numerous types of retail and commercial uses, including restaurants, cocktail lounges, taverns, drug stores and food stores. The proposed special use will be a commercial use and will be located in an existing commercial unit on the subject property that previously housed other commercial uses.

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

As noted above, this section of Broadway is primarily a commercial strip. Consequently, a retail bank at the subject property will be compatible with other commercial uses on Broadway in terms of operating characteristics, such as 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 Applicant's proposed use will be located within an existing unit on the subject property and therefore the proposed special use will have no impact on pedestrian safety and comfort.

IV. CONCLUSION

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

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

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

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

APPLICANT: Augusta Acquisitions, LLC **CAL NO.:** 455-17-Z
APPEARANCE FOR: Nicholas Ftikas **MINUTES OF MEETING:**
July 21, 2017
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1936-38 W. Augusta Boulevard

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 30' to 13.67' for a proposed five-story, sixteen dwelling unit building with indoor parking.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

AUG 21 2017
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

BLAKE SERCYE
 SHAINA DOAR
 SOL FLORES
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 21, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 3, 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 13.67' for a proposed five-story, sixteen dwelling unit building with indoor parking; an additional variation was granted to the subject site in Cal. No. 456-17-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: Augusta Acquisitions, LLC **CAL NO.:** 456-17-Z

APPEARANCE FOR: Nicholas Ftikas **MINUTES OF MEETING:**
July 21, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1936-38 W. Augusta Boulevard

NATURE OF REQUEST: Application for a variation to eliminate the one required 10' x 25' loading space for a proposed five-story, sixteen dwelling unit building with indoor parking.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

AUG 21 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
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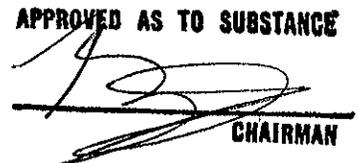
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 21, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 3, 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 eliminate the one required 10' x 25' loading space for a proposed five-story, sixteen dwelling unit building with indoor parking; an additional variation was granted to the subject site in Cal. No. 455-17-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: Manga Builders Inc.

CAL NO.: 133-17-Z

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:
July 21, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3856 N. Hamilton Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 34.75' to 2', north setback from 2.94' to 2', south from 2.94' to 0.75', combined setback from 7.34' to 2.75' for a proposed open stair to access a proposed garage rooftop deck on the existing three car garage.

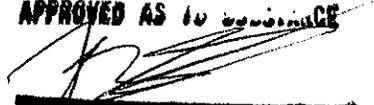
ACTION OF BOARD-
VARIATION WITHDRAWN

THE VOTE

AUG 21 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		

APPROVED AS TO ACCURACY

CHAIRMAN

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

APPLICANT: Westford Development, LLC **CAL NO.:** 231-17-Z

APPEARANCE FOR: Sara Barnes **MINUTES OF MEETING:**
July 21, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4120 N. Claremont Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 34.75' to 2' for an open stair and landing for a proposed garage roof deck which shall also contain the relocated rear yard open space and a pergola.

**ACTION OF BOARD-
VARIATION WITHDRAWN**

THE VOTE

AUG 21 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Sky Real Estate, LLC – Series 2430 N. Albany

CAL NO.: 259-17-Z

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:
July 21, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2426 N. Albany Avenue

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 6.61' to 1.5', north setback from 5' to 3', rear setback from 15.43' to 2.5' for a proposed two-story single family residence with a rooftop stair enclosure, deck, trellis and two-car garage and a spiral stair located on the North West corner.

ACTION OF BOARD-
Continued to August 18, 2017 at 2 p.m.

THE VOTE

AUG 21 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Sky Real Estate, LLC – Series 2430 N. Albany

CAL NO.: 260-17-Z

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:
July 21, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2426 N. Albany Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear yard open space from the required 117.52 square feet to zero for a proposed two-story, single family residence with a roof top stair enclosure, deck, trellis and two-car garage and an open spiral stair case located on the North West corner.

ACTION OF BOARD-
Continued to August 18, 2017 at 2 p.m.

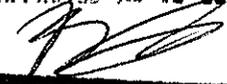
THE VOTE

AUG 21 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: Sky Real Estate, LLC – Series 2430 N. Albany

CAL NO.: 261-17-Z

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:
July 21, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2426 N. Albany Avenue

NATURE OF REQUEST: Application for a variation to reduce the south setback from the required 5' to zero for the subdivision of a lot. The existing three-story, four dwelling unit building will remain.

ACTION OF BOARD-
Continued to August 18, 2017 at 2 p.m.

THE VOTE

AUG 21 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: Sky Real Estate, LLC – Series 2430 N. Albany

CAL NO.: 262-17-Z

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:
July 21, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2430 N. Albany Avenue

NATURE OF REQUEST: Application for a variation to reduce the lot area from the required 4,000 square feet to 3,605 square feet for the subdivision of a lot. The existing three-story, four dwelling unit building will remain.

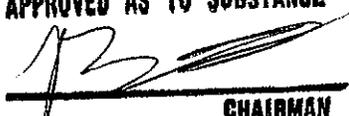
ACTION OF BOARD-
Continued to August 18, 2017 at 2 p.m.

THE VOTE

AUG 21 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: Rubicon X Cicero, LLC

CAL NO.: 280-17-S

APPEARANCE FOR: Michael Ezgur

MINUTES OF MEETING:
July 21, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4145-57 N. Cicero Avenue/4724-36 W. Berteau Avenue

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

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

AUG 21 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

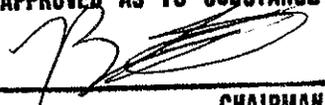
AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
RECUSED		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 19, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on May 5, 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 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 site plan dated July 14, 2017 and the landscape plan dated July 19, 2017, both prepared by Manhard Consulting, Ltd., as well as elevation drawings dated July 6, 2017, prepared by Norr Architects and Planners. Also, provided the pergola located along Cicero Avenue is designed to match the proposed metal canopies above the entrance and drive-through window in terms of color and material.

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



AUG 21 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

Shaunte Porter

APPLICANT

319-17-Z
CALENDAR NUMBER

1533 E. Marquette Road

PREMISES AFFECTED

July 21, 2017

HEARING DATE

ACTION OF BOARD

THE VOTE

The application for the variation is 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"/>
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**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE VARIATION APPLICATION FOR 1533 E.
MARQUETTE ROAD BY SHAUNTE PORTER**

I. BACKGROUND

Ms. Shaunte Porter (the "Applicant") submitted a variation application for 1533 E. Marquette Road (the "subject property"). The subject property is currently zoned RM-5 and is currently improved with an existing two-and-three story single family residence ("residence"). The Applicant proposed to erect a rear three-story and third floor addition with roof deck to the residence. To permit said addition, the Applicant sought a variation to reduce the: (1) west side setback from 2.0' to 0'; (2) east side setback from 2.0' to 0.08'; and (3) combined side setback from 4.0' to 0.08'.

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 July 21, 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 her proposed Findings of Fact. The Applicant Ms. Shaunte Porter was present. Ms. Alice Porter (no relation to the Applicant) was also present. The statements and

APPROVED AS TO SUBSTANCE

CHAIRMAN

testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

The Applicant Ms. Shaunte Porter testified that she proposed to add a third floor addition to the residence so that she could maximize the residence's living space. She testified that she had no intention to immediately sell the subject property. She testified that she sought the variation not so she could make more money off of the subject property but so that she could live in the residence. She testified that she did not create the subject property's practical difficulties or particular hardships. She testified that if the requested variation were granted, it would not change the character of the neighborhood.

Ms. Alice Porter, of 1531 E. Marquette Road, testified in opposition to the application. Her opposition stemmed from her belief that the requested variation would allow the Applicant's residence to encroach into Ms. Porter's property at 1531 E. Marquette.

The ZONING BOARD OF APPEALS explained the Applicant would only be building up to the subject property's property line not over said property line into the property at 1531 E. Marquette.

In light of this explanation, Ms. Alice Porter testified that she was "fine" with the Applicant's request for the west side setback reduction. She then testified in opposition to the Applicant building the rear addition to the third floor. She testified that the residence is a 1893 two-story townhouse with a third-story attic. She testified that the residence shared a common wall with her home. She testified that while she did not care if Applicant put a third floor addition above the two-story portion of the residence she did not want said addition extending into the rear of the subject property.

In response to Ms. Alice Porter's testimony, the Applicant testified that she was not building an addition in the back of the residence. She testified that she would be constructing an addition on top of the residence and would therefore be constructing "straight up." She further testified that no additional dwelling unit would be added to the residence.

In response to the Applicant's additional testimony, Ms. Alice Porter testified she was "fine" with the Applicant's proposed third-floor addition so long as it went "up." She further testified that now that she understood the Applicant's proposed construction, the proposed third floor addition would not encroach on her light and air.

B. Criteria for a Variation

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

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

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

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

III. FINDINGS OF FACT.

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

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

The residence on the subject property is an 1893 townhome with a partial third floor. The third floor is located at the front of the residence. The Applicant intends to expand this partial third floor so that the third floor spans the length and width of the existing townhome. Due to the age of the townhome, the residence is currently nonconforming and extends into the subject property's east and west

side setbacks. Consequently, 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 variation is consistent with the stated purpose and intent of the Chicago Zoning Ordinance.*

The requested variation protects the character of established residential neighborhoods pursuant to Section 17-1-0503 of the Chicago Zoning Ordinance. It also promotes the rehabilitation and reuse of older buildings pursuant to Section 17-1-0511 and helps maintain 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 application for a variation pursuant to Section 17-13-1107-B of the Chicago Zoning Ordinance:

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

The proposed variation will allow the Applicant add a rear addition to the existing third floor of the residence and thus increase the usable habitable living space. Without the requested variation, the Applicant could not improve upon the residence because – as noted above – the residence is currently nonconforming and extends into the subject property's east and west side setbacks.

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

The subject property's nonconforming 1893 townhome with its partial third floor is a unique circumstance and not generally applicable to other residential property.

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

The residence has been on the subject property since 1893. As Ms. Shaunte Porter credibly testified, she is only adding an addition to the rear of the third floor on top of the residence's current second floor. This addition will be at the rear of the residence. The front of the residence is already improved with a third floor, so the variation will not alter the essential character of the neighborhood.

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

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

1. *The particular physical surroundings, shape or topographical condition of the specific property involved would 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 subject property's nonconforming 1893 townhome with its partial third floor results in a particular hardship upon the Applicant 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 nonconforming 1893 townhome with its partial third floor is not a condition generally applicable to other property within the RM-5 zoning classification.

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

The variation is not based exclusively upon a desire to make more money out of the subject property but rather to a desire to maximize the Applicant's living space on the subject property. The Applicant very credibly testified that she had no immediate plans to sell the subject property.

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

The Applicant did not create the subject property's nonconforming 1893 townhome with its partial third story.

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

The variation will not detrimental to the public welfare or injurious to other property or improvements in the neighborhood. As Ms. Alice Porter – the neighbor next west of the subject property – testified, the variation will not affect her light and air.

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 not impair an adequate supply of light and air to Ms. Alice Porter's property. The residence will remain a single-family home and thus the variation will not increase congestion in the public streets. The variation will not increase the danger or fire or endanger the public safety.

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.

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: Labor Solutions, LLC **CAL NO.:** 338-17-S
APPEARANCE FOR: Nicholas Ftikas **MINUTES OF MEETING:**
July 21, 2017
APPEARANCE AGAINST: None
PREMISES AFFECTED: 6969 W. Grand Avenue
NATURE OF REQUEST: Application for a special use to establish a day labor service.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

AUG 21 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

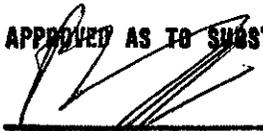
AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 16, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 2, 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 day labor service 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 floor plan dated June 16, 2017, prepared by Labor Solutions, 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: Melissa Gomez **CAL NO.:** 343-17-S
APPEARANCE FOR: Edwin Reyes **MINUTES OF MEETING:**
July 21, 2017
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1754 W. Division Street

NATURE OF REQUEST: Application for a special use to establish a body art service (tattoo semi-permanent makeup).

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

AUG 21 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

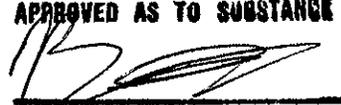
AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 16, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 2, 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 boy art service (tattoo semi-permanent makeup) 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 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: Chicago Title and Land Trust Number 8002369747

CAL NO.: 357-17-Z

APPEARANCE FOR: William Banks

MINUTES OF MEETING:
July 21, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1932-34 N. Kenmore Avenue

NATURE OF REQUEST: Application for a variation to reduce the north setback from the required 5' to 3' (south to be 3'), combined side setback from 10' to 6', rear setback from 28' for an three-story, single family residence with an attached five car garage which shall also contain the required 416 square feet of relocated rear yard open space.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

AUG 21 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 June 16, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 2, 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' (south to be 3'), combined side setback to 6', rear setback from 28' for an three-story, single family residence with an attached five car garage which shall also contain the required 416 square feet of relocated rear yard open space; 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.

[Signature]
CHAIRMAN

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

APPLICANT: Lamel Collins

CAL NO.: 361-17-S

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
July 21, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 9939 S. Halsted Street

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

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

AUG 21 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		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 16, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 2, 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 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: Word Fellowship Outreach

CAL NO.: 363-17-S

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
July 21, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 8033 S. Western Avenue

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

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

AUG 21 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

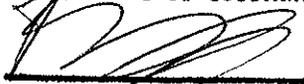
AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 16, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 2, 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 religious assembly 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 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



AUG 21 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

PCM Real Estate Investments, LLC

APPLICANT

364-17-Z
CALENDAR NUMBER

1341 W. George Street

PREMISES AFFECTED

July 21, 2017

HEARING DATE

ACTION OF BOARD

THE VOTE

The application for the variation is approved subject to the conditions specified 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"/>
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**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE VARIATION APPLICATION FOR 1341 W.
GEORGE STREET BY PCM REAL ESTATE INVESTMENTS, LLC**

I. BACKGROUND

PCM Real Estate Investments, Inc. (the "Applicant") submitted a variation application for 1341 W. George Street (the "subject property"). The subject property is currently zoned RS-3 and is currently improved with a three unit condominium building. The Applicant proposed to an open catwalk at the rear of said building for access to a garage roof deck. To permit this proposed open catwalk, the Applicant sought a variation to reduce the rear setback from the required 37.5' to 21.5'

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 July 21, 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 manager Mr. Patrick Miller and its attorney Ms. Thomas S. Moore were present. The Applicant's project manager Mr. Mike Maresso was also present. Mr. Robert Rainone, of 1339 W. George, Mr.

APPROVED AS TO SUBSTANCE

CHAIRMAN

Geoffry Dybas, of 1335 W. Gorge, and Ms. Lisa Dybas, also of 1135 W. George Street, were present. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

The Applicant's attorney Mr. Thomas S. Moore stated that the Applicant had met with the Mr. Rainone, Mr. Dybas, and Ms. Dybas and had reached an agreement with respect to the proposed variation. He then read into the record said agreement and requested that should the ZONING BOARD OF APPEALS grant the Applicant's requested variation, the agreement be made a condition to such grant.

The Applicant presented the testimony of its manager Mr. Patrick Miller.

The Applicant presented the testimony of its project manager Mr. Mike Maresso.

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.*

Although the Chicago Zoning Ordinance allows a garage roof deck it does not always allow a way to reach said garage roof deck. In the instant case, a catwalk is more practical as the catwalk will take up less of the rear yard than an additional set of stairs.

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

The requested variation protects the character of established residential neighborhoods as set forth in Section 17-1-509 of the Chicago Zoning Ordinance, and helps maintain a range of housing choices and options as set forth in Section 17-1-0512 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 Mr. Miller averred, the existing three unit condominium building on the subject property is new construction, and purchasers of new construction condominiums expect amenities such as garage roof decks. Without the requested variation, the Applicant would not be able to yield a reasonable return on 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 Chicago Zoning Ordinance allows for access to a garage roof deck in some instances. However, as noted above, in the instant case a catwalk is more practical as the catwalk will take up less of the subject property's rear yard than an additional set of stairs. This is due to the existing three-unit condominium building and its existing rear stair system which are unique circumstances not generally applicable to other residential property.

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

As Mr. Miller averred, most of the new construction in the neighborhood have garage roof decks and so the requested variation will not change the essential character of the neighborhood.

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

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

The existing three unit condominium building on the subject property was built as of right. The stairs located at the rear of the subject property were also built as of right. Therefore, to add a whole new staircase from grade to the garage roof deck instead of building a catwalk from the existing stair to the garage roof deck would result in particular hardship upon the Applicant as the green space of the rear yard would be diminished.

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.*

As noted above, the Chicago Zoning Ordinance allows for access to a garage roof deck in some instances. However, as also noted above, in the instant case a catwalk is more practical as the catwalk will take up less of the subject property's rear yard than an additional set of stairs. This is due to the existing three-unit condominium building and its existing rear stair system which are conditions not generally applicable to other property within the RS-3 zoning classification.

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

The variation is not based exclusively upon a desire to make more money out of the subject property. As Mr. Miller averred the requested variation is to create an outdoor amenity for the future residents of the three unit condominium building.

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

The Applicant did not create the Chicago Zoning Ordinance and the fact that though the Chicago Zoning Ordinance allows a garage roof deck it does not always allow a way to reach said garage roof deck.

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.*
6. Due to the conditions imposed by the ZONING BOARD OF APPEALS, 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.
7. *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, due to the conditions imposed by the ZONING BOARD OF APPEALS, 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.

IV. CONCLUSION

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

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

1. For each of the three condominium units, the Applicant shall place a rubber-like material on the north/south catwalks from the back door to the stairs;

2. The Applicant shall install a gate with a lock at the entrance to the garage roof deck; and
3. The Applicant shall incorporate a time-use restriction for the garage roof deck into the subject property's condominium declarations. Such time-restriction shall prohibit use of the garage roof deck after 10 PM on weekdays and after 12 AM on weekends.

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: PCM Real Estate Investments, LLC **CAL NO.:** 364-17-Z
APPEARANCE FOR: Thomas Moore **MINUTES OF MEETING:** July 21, 2017
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1341 W. George Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 37.5' to 21.5' for a proposed open catwalk at the rear of the existing three-story building to access a garage roof deck.

**ACTION OF BOARD-
 VARIATION GRANTED**

THE VOTE

AUG 21 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		

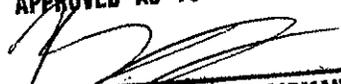
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 16, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 2, 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 21.5' for a proposed open catwalk at the rear of the existing three-story building to access a 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: R Developing Group, Inc. **CAL NO.:** 366-17-Z
APPEARANCE FOR: Sara Barnes **MINUTES OF MEETING:** July 21, 2017
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2621 N. Southport Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 37'-3" to 21'-6" for a proposed open stair / catwalk to access a garage roof deck which shall also contain the relocated rear yard open space.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

AUG 21 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		

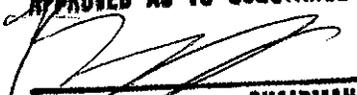
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 16, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 2, 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'-6" for a proposed open stair / catwalk to access a garage roof deck which shall also contain the relocated rear yard open space; 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: R Developing Group, Inc.

CAL NO.: 367-17-Z

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:
July 21, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 844 W. Waveland Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 41.1' to 1.94', east setback from 2.85' to 2.38' and the rear setback from the property line to the garage from 2' to 1.94' for an open bridge at the rear of the building to access a garage roof deck.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

AUG 21 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 June 16, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 2, 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 1.94', east setback to 2.38' and the rear setback from the property line to the garage to 1.94' for an open bridge at the rear of the building to access a 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: Chicago Auto Repair Inc. d/b/a Chicago Auto

CAL NO.: 368-17-S

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
July 21, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 6901-17 S. Bell Avenue

NATURE OF REQUEST: Application for a special use to establish a Class IV-A recycling.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

AUG 21 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		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 16, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 2, 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 Class IV-A recycling 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 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 applicant repair, paint and maintain the existing solid fence along Bell Avenue and replace any dead or diseased trees and landscaping along West 69th Street and South Bell Avenue.

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: Sukhmit Kalsi

CAL NO.: 371-17-Z

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:
July 21, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 520 N. Claremont Avenue

NATURE OF REQUEST: Application for a variation to reduce the minimum lot area per dwelling unit from the required 3,000 square feet to 2,884.37 square feet for a proposed three-story, three dwelling unit building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

AUG 21 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 June 16, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 2, 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 minimum lot area per dwelling unit to 2,884.37 square feet for a proposed three-story, three dwelling unit building; additional variations were granted to the subject site in Cal. No. 372-17-Z and 373-17-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: Sukhmit Kalsi

CAL NO.: 372-17-Z

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:
July 21, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 520 N. Claremont Avenue

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 15' to 13.55', south setback from 2' to zero (north to 2.96') combined side setback from 4.6' to 2.96' for a proposed three-story, three dwelling unit building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

AUG 21 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 June 16, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 2, 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 13.55', south setback to zero (north to 2.96') combined side setback to 2.96' for a proposed three-story, three dwelling unit building; additional Variations were granted to the subject site in Cal. No. 371-17-Z and Cal. No. 373-17-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: Sukhmit Kalsi

CAL NO.: 373-17-Z

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:
July 21, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 520 N. Claremont Avenue

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

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

AUG 21 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 June 16, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 2, 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 off-street parking requirement to two stalls for a proposed three-story, three-dwelling unit building; additional variations were granted to the subject site in Cal. No. 371-17-Z and Cal. No. 372-17-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