

MINUTES OF MEETING:

Date: October 21, 2016

NOV 22 2016

STREET

Richard Toth, Attorney for the applicant, presented a request for an extension of time in which to establish a pay day loan store on premises located at 4333 S. Kedzie Avenue. The special use was approved on August 21, 2015 in Cal. No. 324-15-S.

Mr. Toth stated that his client is in the process of allocating resources and also stated that the licensing process is taking longer than expected. Therefore, the applicant will not be able to obtain the necessary license within the one year validity period.

Blake Sercye moved the request be granted and the time for obtaining the necessary license be extended to September 24, 2017.

Yeas- Sercye, Toia, Flores Nays- None

APPROVED AS TO SUBSTANCE

SECRETARY

NOV 22 2016

CITY OF
MEMPHIS

MINUTES OF MEETING:

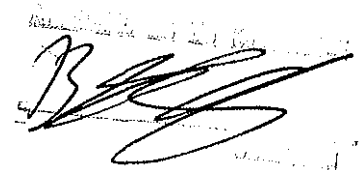
Date: October 21, 2016

Richard Toth, Attorney for the applicant, presented a request for an extension of time in which to establish a pay day loan store on premises located at 3335 W. 63rd Street. The special use was approved on August 21, 2015 in Cal. No. 325-15-S.

Mr. Toth stated that his client is in the process of allocating resources and also stated that the licensing process is taking longer than expected. Therefore, the applicant will not be able to obtain the necessary license within the one year validity period.

Blake Sercye moved the request be granted and the time for obtaining the necessary license be extended to September 24, 2017.

Yeas- Sercye, Toia, Flores Nays- None

A handwritten signature in black ink, appearing to be 'B. Sercye', is written over a faint, illegible stamp or form.

MINUTES OF MEETING:

Date: October 21, 2016

NOV 22 2016

CITY OF CHICAGO
DEPARTMENT OF

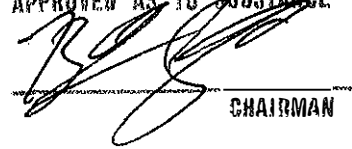
Richard Toth, attorney for the applicant, presented a request for an extension of time in which to establish a 24-space off-site, accessory parking lot on premises 2845-47 W. Arthington Street which will serve a proposed indoor, sports, facility located at 2824 W. Taylor Street. The special use was approved on October 16, 2015 in Cal. No. 327-15-S.

Mr. Toth stated that his client is in the process of obtaining financing for the project and will not be able to obtain the necessary permits within the one year validity period.

Blake Sercye moved the request be granted and the time for obtaining the necessary permit be extended to December 02, 2017.

Yeas- Sercye, Toia, Flores Nays- None

APPROVED AS TO SUBSTANCE



CHAIRMAN

MINUTES OF MEETING:

Date: October 21, 2016

NOV 22 2016

CITY OF
SECRETARY

Andrew Scott, attorney for the applicant, presented a request for an extension of time in which to establish a 1,100 space non-accessory parking structure and a 500 space, non-accessory parking lot on premises 5240 S. Cicero Avenue. The special use was approved on December 18, 2015 in Cal. No. 479-15-S.

Mr. Scott stated that his client has experienced unforeseen engineering issues and the Department of Planning and Development would not permit a modification to the approved plans. The applicant will not be able to obtain the necessary permits within the one year validity period.

Blake Sercye moved the request be granted and the time for obtaining the necessary permit be extended to January 10, 2018.

Yeas- Sercye, Toia, Flores Nays- None

APPROVED AS TO SUBSTANCE
Blake Sercye
CHAIRMAN

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

APPLICANT: Eco-site **CAL NO.:** 517-16-Z
APPEARANCE FOR: Chris Leach **MINUTES OF MEETING:**
October 21, 2016
APPEARANCE AGAINST: None
PREMISES AFFECTED: 5014-60 S. State Street

NATURE OF REQUEST: Application for a variation to increase the maximum height from the permitted 75' to 120' for a proposed wireless communication facility.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

NOV 22 2016
CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

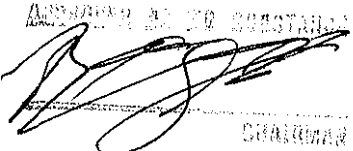
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 21, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2016 ; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed Findings 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 maximum height from the permitted 75' to 120' for a proposed wireless communication facility; a special use was also granted to the subject site in Cal. No. 515-16-S and an additional variation was also granted in Cal. No. 516-16-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.


 CHIEF CLERK

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

APPLICANT: Raven' Place, LLC dba Universal Entertainment Center **CAL NO.:** 518-16-Z

APPEARANCE FOR: Nick Ftikas

MINUTES OF MEETING:
October 21, 2016

APPEARANCE AGAINST: None

PREMISES AFFECTED: 11901 S. Loomis Street

NATURE OF REQUEST: Application for a variation to establish a public place of amusement for a proposed restaurant and banquet hall which is within 125' of an RS-3 zoning district .

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

NOV 22 2016

CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
RECUSED		
X		

THE RESOLUTION:

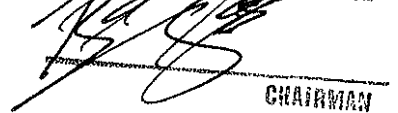
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 21, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2016; and

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

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the 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: Acus Inc. dba Nomobo Salon **CAL NO.:** 519-16-Z

APPEARANCE FOR: Same as applicant **MINUTES OF MEETING:**
October 21, 2016

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1425 N. Ashland Avenue

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

NOV 22 2016
CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 21, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2016; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed Findings 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.

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

APPLICANT: The Creative, LLC ,Series 1

CAL NO.: 520-16-Z

APPEARANCE FOR: Chris Leach

MINUTES OF MEETING:
October 21, 2016

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1454 W. Victoria Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 21.65' to zero, the front setback from 5.5' to 0.56', west setback from 5.7' to 3.0' , east setback from 5.7' to 3.88', combined side setback from 14.25' to 6.88' and the minimum required setback from the rear property line and the garage from 2.0' to zero for a proposed two-story single family residence with an attached one-car garage, with roof deck and front and rear open decks and porches.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

NOV 22 2016

CITY OF CHICAGO

BLAKE SERCYE

SOL FLORES

SHEILA O'GRADY

SAM TOIA

AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 21, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2016; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed Findings of Fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to zero, the front setback to 0.56', west setback to 3.0', east setback to 3.88', combined side setback from to 6.88' and the minimum required setback from the rear property line and the garage to zero for a proposed two-story single family residence with an attached one-car garage, with roof deck and front and rear open decks and porches; an additional variation was also granted in Cal. No. 521-16-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
Blake Serbye
CHAIRMAN

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

APPLICANT: The Creative, LLC - Series 1 **CAL NO.:** 521-16-Z
APPEARANCE FOR: Chris Leach **MINUTES OF MEETING:**
October 21, 2016
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1454 W. Victoria Street

NATURE OF REQUEST: Application for a variation to reduce the required parking spaces from two to one for a proposed two-story single family residence with a one-car attached garage with roof deck , front and rear open decks and porches.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

NOV 22 2016
 CITY OF CHICAGO

BLAKE SERCYE
 SOL FLORES
 SHEILA O'GRADY
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 21, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2016; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed Findings of Fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the required parking spaces from two to one for a proposed two-story single family residence with a one-car attached garage with roof deck , front and rear open decks and porches; an additional variation was also granted to the subject site in Cal. No. 520-16-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.

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

APPLICANT:

Oxford 1, LLC

CAL NO.: 133-16-Z

APPEARANCE FOR:

MINUTES OF MEETING:

October 21, 2016

APPEARANCE AGAINST:

PREMISES AFFECTED:

1421-25 W. Fullerton Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from 30' to zero for a third floor addition and a fourth floor penthouse addition and two stair tower additions to an existing two-story bank building to be converted to eight dwelling units with eight parking spaces within the lower level.

ACTION OF BOARD-

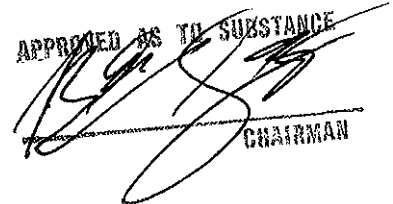
WITHDRAWN ON MOTION OF THE APPLICANT

THE VOTE

NOV 22 2016
CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
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:

Old Town Ventures, LLC

CAL NO.: 214-16-S

APPEARANCE FOR:

MINUTES OF MEETING:

October 21, 2016

APPEARANCE AGAINST:

PREMISES AFFECTED:

517 N. Racine Avenue, Unit 1

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a business live/work unit, on the first floor of an existing four-story building.

ACTION OF BOARD-

WITHDRAWN ON MOTION OF THE APPLICANT

THE VOTE

NOV 22 2016

CITY OF CHICAGO

BLAKE SERCYE

SOL FLORES

SHEILA O'GRADY

SAM TOIA

AMANDA WILLIAMS

AFFIRMATIVE NEGATIVE ABSENT

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE
[Signature]
CHAIRMAN

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

APPLICANT: Sarah and Peter Breitlander

CAL NO.: 391-16-S

APPEARANCE FOR:

MINUTES OF MEETING:

October 21, 2016

APPEARANCE AGAINST:

PREMISES AFFECTED: 1934 N. Bisell Street

NATURE OF REQUEST: Application for a special use to permit the establishment of a vacation rental unit.

ACTION OF BOARD-

WITHDRAWN ON MOTION OF THE APPLICANT

THE VOTE

NOV 22 2016

CITY OF CHICAGO

BLAKE SERCYE

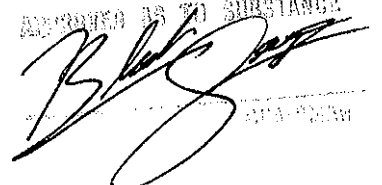
SOL FLORES

SHEILA O'GRADY

SAM TOIA

AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

 BLAKE SERBYE

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



NOV 22 2016

CITY OF CHICAGO

Jose Roman

APPLICANT

415-16-Z

CALENDAR NUMBER

3437 N. Oak Park Avenue

PREMISES AFFECTED

October 21, 2016

HEARING DATE

Nick Ftikas

APPEARANCE FOR APPLICANT

Michelle Grayzeck & George Blakemore

OBJECTORS

NATURE OF REQUEST

Application for a variation to reduce the north setback from the required 4.0' to 2.2' and the south setback from 4.0' to 2.9' and the combined side setback from 9.0' to 5.1' for a second floor addition and a rear open deck with roof onto the existing single-family residence.

ACTION OF BOARD

THE VOTE

The application for a variation is approved.

	APPROVE	DENY	ABSENT
Blake Sercye, Chairmain	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sol Flores	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sheila O'Grady	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Amanda Williams	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

THE RESOLUTION OF THE BOARD

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on October 21, 2016, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance ("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 this Zoning Ordinance; and

WHEREAS, Mr. Nick Ftikas, counsel for the Applicant, stated that the Applicant owned the subject property; that the subject property was currently improved with a one-and-a-half story single-family home; that said home was a brick bungalow; that within the last year, the Applicant hired a general contractor to construct a second floor addition to the home; that the addition was intended to provide the Applicant's family with more

APPROVED AS TO SUBSTANCE

CHAIRMAN

living space, specifically two (2) new bedrooms on the second floor; that though plans were prepared, the Applicant's general contractor began building the addition without permits; that this was unknown to the Applicant; that the City's Department of Buildings ("Buildings") issued a stop work order and the project was halted; that at present, the exterior of the second floor exists but the inside is unfinished space and uninhabitable; that the Applicant parted ways with the general contractor, hired a new architect and initiated a compliance effort; that in order to bring the addition into compliance and complete the project, the Applicant is seeking a variation to reduce the north side setback from the required 4 feet to 2.2 feet, reduce the south side setback from the required 4 feet to 2.9 feet and reduce the side setback combination from the required 9 feet to 5.1 feet; and

WHEREAS, Mr. Roman, the Applicant, of 3437 N. Oak Park Avenue, testified that he owns the subject property; that the subject property is improved with a one-and-a-half story brick bungalow; that the original structure dates back to the 1930s; that a little over a year ago, he and his son hired a contractor to build a second floor addition to his home; that he did this to meet the growing demands of his family; that the addition would add 1100 square feet to the home and provide two (2) new bedrooms; that he paid an architect and hired a contractor and work began on the subject property; that he learned that the contractor had never pulled permits for the work being done; that when Buildings issued a stop work order, he stopped work on the project; that he fired his contractor and began assembling a new team to finish the project; that he is before the Board to complete permitting the second floor addition; and

WHEREAS, Mr. Ftikas stated that for the sake of presentation, the remaining testimony was specific to the variation and probably better asked and answered by the architect; and

WHEREAS, the Board agreed and reminded all attorneys that while it understood that attorneys might wish to have applicants testify to their understanding of a variation, it would prefer that technical questions were best left to the architect; and

WHEREAS, Ms. Patricia Craig testified on behalf of the Applicant; that she is a licensed architect in the State of Illinois and has testified before the Board many times; that she was retained to permit an existing second floor addition as well as a new rear porch for the existing home on the subject property; that to permit these features, the Applicant is seeking a variation to reduce the north and south side setbacks as well as the combined setback; that specifically, the Applicant is seeking to reduce the north side setback from the required 4 feet to 2.2 feet, the south side setback from the required 4 feet to 2.9 feet and the combined side setback from the required 9 feet to 5.1 feet; that with respect to the second story addition, the addition followed the existing building walls straight up; that from a hardship perspective, the addition followed building lines that were already nonconforming; that thus the Applicant's hardship is the condition of the nonconforming existing building walls; that because the home is one-and-a-half stories, the second story addition went up about 7 feet total; that with respect to the reduced setbacks, because the addition followed the walls of the existing building straight

up, the existing setbacks remained without change; that prior to the addition the subject property had a 2.2 foot north side setback and a 2.9 foot south side setback; that the second floor addition did not change these setbacks; that as the home was originally constructed in approximately 1930, these reduced setbacks have existed for nearly 80-plus years; and

WHEREAS, Ms. Craig further testified that from her inspection of the area, she was able to confirm that a total 5 foot combined side setback was pretty consistent with most of the homes on the 3400 block of Oak Park, especially those homes on the same side of Oak Park as the subject property, as all of those homes were on 30 foot lots; that the area had an eclectic mix of one-and-a-half to two-story homes; that for the most part, these homes were single-family homes; that granting the requested variation will not be detrimental to public welfare or injurious to other property or improvements in the area but will instead be consistent with other property or improvements in the area; that the requested variation will not impair an adequate supply of light and air to the adjacent properties; that the variation will not increase the danger of fire or endanger the public safety; that the variation will not substantially increase congestion in the public streets in the area because the home will remain single-family; that the variation will not substantially diminish or impair property values in the immediate area; that if granted, the variation will not alter the essential character of the locality; and

WHEREAS, Mr. Ftikas stated that this concluded the Applicant's case-in-chief; and

WHEREAS, Ms. Michelle Grayzeck, of 3441 N. Oak Park Avenue, objected to the application; that she is the neighbor next north of the subject property; that one of her main issues was that during construction of the addition, the contractors damaged the roof and windows of her home at 3441 N. Oak Park Avenue; that the addition was too large; that the addition has diminished the light and air to her home; that her garden has died; that she could no longer open her windows; that her home was having trouble maintaining its appeal; that all of her windows were completely blocked off; that half of her property was being affected and she could no longer enjoy half of her property; that it was sometimes depressing living in her home because she sits in a room with no daylight; and

WHEREAS, the Board stated that as it understood Ms. Grayzeck, Ms. Grayzeck had two separate issues: (1) the damage related to the construction of the Applicant's addition; and (2) the zoning related issue of light and air to her home; and

WHEREAS, in response to questions by the Board, Ms. Grayzeck further testified that properties were very close together; that the biggest issue was not the Applicant building on the existing walls of his home but rather the extra portion that was on top of the Applicant's porch; that said extra portion was inhibiting extra light from coming into the back side of her home; and

WHEREAS, Mr. George Blakemore also testified in objection to the application; and

WHEREAS, Mr. Ftikas stated that with respect to the damage done to Ms. Grayzek's property, the Applicant was willing to speak to his professionals and see what could be done; that the Applicant could not promise anything; and

WHEREAS, the Board stated that it understood; and

WHEREAS, Mr. Ftikas continued that with respect to the addition, the addition only added 7 feet total in height; that the home went from a one-and-a-half story building to a two-story building; that the proposed height is allowed in a RS-2 zoning district; that the Applicant is not asking for a variation to increase the height of the home; that the proposed floor area ratio is also permitted in the RS-2 zoning district; that although Ms. Grayzeck stated the addition was too large, the square footage of the addition is allowed in the RS-2 zoning district; and

WHEREAS, in response to questions by the Board, Mr. Ftikas confirmed that the floor area ratio and the height of the addition were permitted as a matter of right; and

WHEREAS, Mr. Ftikas reminded the Board that the Applicant was before the Board for the side setbacks; that it was the Applicant's belief that there was a clear hardship in wanting to build a second-story addition on top of existing building walls; that even with the proposed setback reductions, there is still 5 feet between the Applicant's home and the home of the neighbor next north (Ms. Grayzeck's home) of the subject property; that there is also still 4.5 feet between the Applicant's home and the home of the neighbor next south; that a 4.5 side setback is a pretty large setback in the City, at least for what comes before the Board; that the Board regularly hears applications with side setback of 1 to 2 feet; that he then requested leave to recall Ms. Craig; and

WHEREAS, the Board granted leave for Mr. Ftikas to recall Ms. Craig; and

WHEREAS, Ms. Craig again testified that the requested variation would not impair an adequate supply of light and air to adjacent properties; that the proposed addition is consistent throughout the City; that the wall going from a foot-and-a-half upstairs to seven feet is within this Zoning Ordinance; that a five-and-a-half foot increase in height does not make much difference; that there is still 4.5 feet of separation – not a setback – but 4.5 feet of separation between the Applicant's home and the home to the south and 5 feet of separation between the Applicant's home and the home to the north (Ms. Grayzeck's home); that based on that amount of separation between the buildings, there would not be a diminution of light and ventilation between the properties; and

WHEREAS, Mr. Ftikas indicated he had no objection to Ms. Grayzeck's pictures being entered into the record; and

WHEREAS, Ms. Grayzeck's pictures were entered into the record; and

WHEREAS, Section 17-13-1101-B of the Chicago Zoning Ordinance grants the Zoning Board of Appeals authority to grant a variation to permit the reduction of any setback; now, therefore,

THE ZONING BOARD OF APPEALS having fully heard the testimony and arguments of the parties and as the decision of the Zoning Board of Appeals to approve a variation application must be based solely on the approval criteria enumerated in Section 17-13-1107-A, B and C of the Chicago Zoning Ordinance, and the Board being fully advised, hereby makes the following findings with reference to the Applicant's application for variation:

1. The Board finds pursuant to Section 17-13-1107-A that the Applicant has proved its case by testimony and other evidence that strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property as the Applicant's addition was built without permits through no fault of the Applicant. Further, the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance as this Zoning Ordinance as the Applicant's addition promotes rehabilitation and reuse of a 1930s brick bungalow.
2. The Board finds pursuant to Section 17-13-1107-B that the Applicant has proved its case by testimony and other evidence that: (1) the property in question cannot yield a reasonable rate of return if permitted to be used only in accordance with the standards of this Zoning Ordinance because although the Applicant's addition was built without permits through no fault of the Applicant and currently has a stop work order; (2) the practical difficulty or particular hardship of the property – namely, the fact that the walls of the Applicant's 1930s bungalow are noncompliant with respect to the side setbacks – is due to unique circumstances and is not generally applicable to other similarly situated property; and (3) the variation, if granted, will not alter the essential character of the neighborhood as very credibly testified to by Ms. Craig.
3. The Board, in making its determination pursuant to 17-13-1107-C that a practical difficulty or particular hardship did exist, took into account that evidence was presented that: (1) the particular topographical condition of the specific property involved – namely, the fact that the walls of the Applicant's 1930s bungalow are noncompliant with respect to the side setbacks – would result in particular hardship upon the Applicant if the strict letter of the regulations were carried out as the Applicant is otherwise entitled to the addition as of right under the standards of the RS-2 zoning district; (2) the condition of the 1930s bungalow and its noncompliant walls with respect to side setbacks is not applicable, generally, to other property in the RS-2 zoning district; (3) the purpose of the variation is not based exclusively upon a desire to make more money out of the property as Mr. Ramon and his family intend to live in the home; (4) the condition of the 1930s bungalow and its noncompliant walls with respect to the side setbacks has not been created by any person having an interest in the subject property; (5) the granting of the variation will not be detrimental to public welfare or injurious to other property; 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 as very credibly testified to by Ms. Craig.

RESOLVED, the Board finds that the Applicant has sufficiently established by testimony and other evidence covering the specific criteria for a variation to be granted pursuant to Sections 17-13-1107- A, B and C of the Chicago Zoning Ordinance.

RESOLVED, the aforesaid variation application is hereby approved, 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: LaJoie Johnson

CAL NO.: 424-16-S

APPEARANCE FOR:

MINUTES OF MEETING:

December 16, 2016

APPEARANCE AGAINST:

PREMISES AFFECTED: 700 E. 47th Street

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

ACTION OF BOARD-

CASE CONTINUED TO DECEMBER 16, 2016

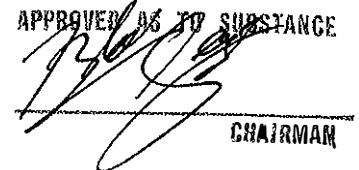
THE VOTE

NOV 22 2016
CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
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: GBH2, LLC

CAL NO.: 425-16-Z

APPEARANCE FOR:

MINUTES OF MEETING:
October 21, 2016

APPEARANCE AGAINST:

PREMISES AFFECTED: 1849 W. Grand Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear yard setback from the required 30' to 0.2' on floors containing dwelling units for a rear two-story addition with an attached two-car garage, a third floor addition with a front and rear balcony, a fourth floor addition, with a rear balcony and an elevator penthouse on the existing two-story building with a new use of ground floor office space with two dwelling units above.

ACTION OF BOARD-
CASE CONTINUED TO NOVEMBER 18, 2016

THE VOTE

NOV 22 2016

CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
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X		
X		

APPROVED AS TO SUBSTANCE
[Signature]
10/24/2016

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

APPLICANT: GBM 16th Street Properties, LLC

CAL NO.: 428-16-Z

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:
September 16, 2016

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3357 W. 16th Street

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 6.27' to zero, the south setback from 2.0' to zero for a one-story addition, a 9.42' high fence, a rear trash enclosure and one unenclosed parking stall for an existing food and beverage with accessory liquor sales.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

NOV 22 2016

CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
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X		

THE RESOLUTION:

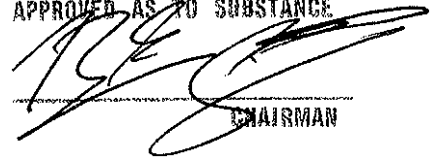
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 21, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 1, 2016 ; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed Findings 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 zero, the south setback to zero for a one-story addition, a 9.42' high fence, a rear trash enclosure and one unenclosed parking stall for an existing food and beverage with accessory liquor sales; 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: Agata Kubiak, Bernadette Wilczynska

CAL NO.: 446-16-S

APPEARANCE FOR: Same as applicant

MINUTES OF MEETING:
October 21, 2016

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1743 S. Halsted Street

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

NOV 22 2016

CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
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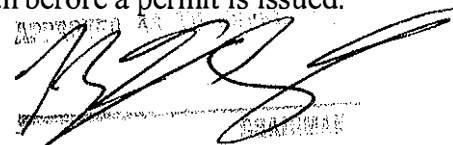
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 21, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 1, 2016 ; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed Findings of Fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a body art service (permanent makeup) ; 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; 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.



**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



NOV 22 2016

CITY OF CHICAGO

MCZ Urban LLC d/b/a MCZ Development

APPLICANT

455-16-A

CALENDAR NUMBER

1650-52 N. Bosworth Avenue

PREMISES AFFECTED

October 21, 2016

HEARING DATE

Nick Ftikas

APPEARANCE FOR APPLICANT

Steven Valenziano

APPEARANCE FOR ZONING ADMINISTRATOR

NATURE OF REQUEST

An appeal of the decision by the Office of the Zoning Administrator in refusing to recognize legal non-conforming status for the existing 240 square foot on premise monopole sign located at the subject site.

ACTION OF BOARD

THE VOTE

The decision of the Zoning Administrator is reversed.

UPHELD REVERSED ABSENT

Blake Sercye, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sol Flores	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sheila O'Grady	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Amanda Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

THE RESOLUTION OF THE BOARD

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on October 21, 2016; and

WHEREAS, the Office of the Zoning Administrator ("Zoning Administrator") refused to recognize legal non-conforming status for the existing 240 square foot on premise monopole sign located at the subject site.

WHEREAS, Mr. Nick Ftikas, counsel for the Applicant, explained the history of the Applicant's on-premise advertising sign; that the existing 70-foot tall, 240-square foot monopole sign was originally permitted back in 1969; that based upon research, there were no permitting issues between 1969 and 2004; that pursuant to a Freedom of

APPROVED AS TO SUBSTANCE

CHAIRMAN

Information Request, it appears that a building inspector closed the sign permit in 2006; that pursuant to Section 17-15-0506-A of the Municipal Code of Chicago ("Municipal Code"), a building inspector does not have the ability to unilaterally cancel a sign permit based on a single inspection; that at a minimum, the inspector would have had to re-inspect the subject property twelve (12) calendar months after the initial inspection to confirm that the sign had been abandoned; that based on the Applicant's Freedom of Information Request, this was not done; and

WHEREAS, the Board inquired if there as an appellate process with the City that the Applicant could have pursued; and

WHEREAS, Mr. Ftikas stated there was no such process; that the Municipal Code has a specific process for terminating an abandoned sign element; that pursuant to Section 13-96-041 of the Municipal Code, when there has been a determination that a sign has been abandoned, such determination must be forwarded to the Commissioner of Buildings; that the City has an obligation to serve notice on the property owner or the property manager that the sign is being treated as abandoned; that after the required notice is served, a property owner or property manager has the right to dispute the determination of abandonment at an administrative hearing; that in this case, this process did not occur; that the Applicant purchased the subject property in 2011 out of foreclosure; that within thirty (30) days of taking control of the subject property, the Applicant began to occupy a portion of the ground floor commercial space; that in 2013, the Applicant attempted to obtain an updated face permit to install its advertising face to the existing sign; that the City denied the application; that it was not until the 2013 application that the Applicant learned that a building inspector closed the sign permit in 2006; that the Applicant again tried to apply for a sign permit in 2014; that when it was again denied it went to the Law Offices of Samuel V.P. Banks; and

WHEREAS, Mr. Ftikas further stated that neither the procedural history of the Applicant's sign nor Illinois case law supported a position of abandonment; that under Illinois case law, there must be evidence of voluntary conduct by the owner that would leave a reasonable person to conclude that there is any attempt to discontinue or abandon the nonconforming use; that there is no such history of voluntary conduct; and

WHEREAS, in response to questions by the Board, Mr. Todd Mullen, representative of the Applicant, testified it was never his intent to abandon the sign; and

WHEREAS, Mr. Simeon Stravrakas, representative of the Applicant, testified it was never his intent to abandon the sign; and

WHEREAS, in response to questions by the Board, Mr. Ftikas explained that while the physical sign structure exists, there is no sign face currently on the sign; that the sign face can be removed without jeopardizing the legal nonconforming status of the sign; that pursuant to Section 17-15-0504 of the Municipal Code, a change of copy or substitution of panels or faces or nonconforming signs is permitted without affecting the legal status

of a nonconforming sign, subject to the requirements for building or electrical permits;
and

WHEREAS, in response to further questions by the Board, Mr. Ftikas explained that although the sign went up in 1969, the building currently on the subject property was built in 2000; that, however, the previous owner of the property purposely maintained the permit for the on-premise sign and, in fact, renewed the permit in 2004; and

WHEREAS, in response to further questions by the Board, Mr. Steven Valenziano, representative for the Zoning Administrator, stated pursuant to Section 17-15-0506 of the Municipal Code, a nonconforming on-premise sign that is located on a property that has failed to maintain a valid business license or becomes vacant or unoccupied for a period of twelve (12) or more months will be deemed abandoned; that the subject sign was there for a business and that said business is gone; that the subject property itself was vacant for a period greater than twelve (12) months; that there was no business license issued for the subject property for a period greater than twelve (12) months; that the subject property came to the Board for a special use for ground floor residential because the commercial spaces on the ground floor could not be rented out; that because there was no license for any business at the subject property for longer than twelve (12) months, the sign is abandoned; that abandoned signs must be removed by the owners; and

WHEREAS, Mr. Ftikas again stated that the City had an obligation pursuant to Section 13-96-041 of the Municipal Code to notify the owner or property manager of the sign when a sign is deemed abandoned; that this was never done; and

WHEREAS, Mr. Valenziano reminded the Board that pursuant to Section 17-13-1208, the Board must determine whether the Zoning Administrator erred in the reading and application of the Chicago Zoning Ordinance (“Zoning Ordinance”); that again, pursuant to Section 17-15-0504 of the Municipal Code/Zoning Ordinance, if there is a greater than twelve (12) month period where there is no valid business license or the property becomes vacant and unoccupied, the sign will be deemed abandoned; and

WHEREAS, in response to questions by the Board, Mr. Valenziano stated that there is no intent in Section 17-15-0504 of the Municipal Code/Zoning Ordinance; that the Zoning Administrator is not looking at intent; and

WHEREAS, Mr. Ftikas stated this is in conflict with state law; and

WHEREAS, Sections 17-13-1207 and 17-13-1208 of the Chicago Zoning Ordinance grant the Board of Appeals authority to hear and decide appeals when it is alleged there is an error in any order, requirement, decision or determination by the Zoning Administrator in the administration or enforcement of this Zoning Ordinance; now, therefore,

THE ZONING BOARD OF APPEALS having fully heard the testimony and arguments of the parties and as the decision of the Zoning Board of Appeals to sustain an appeal must be based solely on the approval criteria enumerated in Section 17-13-1208 of

the Chicago Zoning Ordinance, and the Board being fully advised, hereby makes the following findings with reference to the Applicant's appeal:

1. The Board finds the Applicant did not abandon its sign as there is no evidence in the record that the subject property failed to maintain a valid business license or became vacant and unoccupied for a period of twelve (12) months or more.
2. The Board finds that since the sign was not abandoned, the Applicant's sign still qualifies for legal non-conforming status under Section 17-15-0502 of the Chicago Zoning Ordinance.

RESOLVED, the Board finds the Applicant has met its burden of persuasion that the Zoning Administrator has erred as required by Section 17-13-1208 of the Chicago Zoning Ordinance.

RESOLVED, the Zoning Administrator's decision is hereby reversed, and the Zoning Administrator shall authorize a permit for the subject sign.

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: Tonja Hall

CAL NO.: 457-16-S

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:
October 21, 2016

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2314-16 W. 63rd Street

NATURE OF REQUEST: Application for a variation to establish a public place of amusement license for a banquet hall to provide live music which is located with 125' of an RS-3 Zoning District.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

NOV 22 2016

CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		

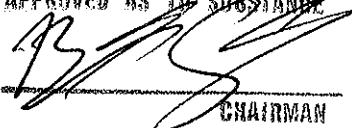
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 21, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 1, 2016 ; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed Findings of Fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a public place of amusement license for a banquet hall to provide live music which is located with 125' of an RS-3 Zoning District; a special use for off-site parking was also granted to the applicant in Cal. No. 458-16-S; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Tonja Hall

CAL NO.: 458-16-S

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:
October 21, 2016

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3230-38 W. 63rd Street

NATURE OF REQUEST: Application for a special use to establish an off-site accessory parking lot with forty-eight spaces to serve the proposed banquet hall at 3214-16 W. 63rd Street

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

NOV 22 2016
CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
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 October 21, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 1, 2016 ; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed Findings of Fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish an off-site accessory parking lot with forty-eight spaces to serve the proposed banquet hall at 3214-16 W. 63rd Street; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; a variation was granted to the applicant in Cal. No. 457-16-Z; 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):the development is consistent with the design and layout in landscape plan dated October 18, 2016 and prepared by Schmall and Associates Architects.

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

APPROVED AS TO ACCURACY


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

APPLICANT: Tech Development, Inc

CAL NO.: 460-16-Z

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:
October 21, 2016

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1517 W. Superior Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 36'-11" to 21'-2", the east setback from 2' to zero (west to be 17'-8") for a proposed stair to access a garage roof top deck which shall also contain the relocated rear yard open space.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

NOV 22 2016

CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
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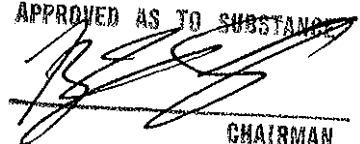
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 21, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 1, 2016 ; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed Findings 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'-2", the east setback to zero (west to be 17'-8") for a proposed stair to access a garage roof top 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: 1513 N. Western Ave., LLC **CAL NO.:** 474-16-Z

APPEARANCE FOR: Nick Ftikas **MINUTES OF MEETING:**
October 21, 2016

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1513 N. Western Avenue

NATURE OF REQUEST: Application for a variation to reduce the required off-street parking from twelve spaces to ten which will serve an existing three-story building to be converted to ground floor offices and twelve dwelling units with ten on-site parking spaces.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

NOV 22 2016
CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
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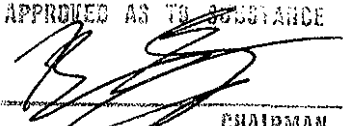
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 21, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2016; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed Findings 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 from twelve spaces to ten which will serve an existing three-story building to be converted to ground floor offices and twelve dwelling units with ten on-site parking spaces; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Chantania Lyles

CAL NO.: 475-16-Z

APPEARANCE FOR: Sabrina Herrell

MINUTES OF MEETING:
October 21, 2016

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2919 W. Walnut Street

NATURE OF REQUEST: Application for a variation to reduce the west setback from the required 2.0' to zero (east setback shall be 3.66'), the combined side setback from 4.81' to 3.66' for a rear two-story addition to an existing two-story building being deconverted from two dwelling units to a single family residence.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

NOV 22 2016
CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

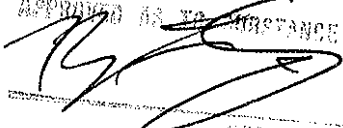
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 21, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2016 ; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed Findings of Fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the west setback to zero (east setback shall be 3.66'), the combined side setback to 3.66' for a rear two-story addition to an existing two-story building being deconverted from two dwelling units to a single family residence; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the 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: Nhi T. Vo **CAL NO.:** 476-16-S

APPEARANCE FOR: Avni Shah **MINUTES OF MEETING:**
October 21, 2016

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3635 N. Harlem Avenue

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

NOV 22 2016
CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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X		
		X


THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 21, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2016; and

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

CAL NO.: 477-16-S

APPEARANCE FOR: Kate Duncan

MINUTES OF MEETING:
October 21, 2016

APPEARANCE AGAINST: None

PREMISES AFFECTED: 34 E. Oak Street

NATURE OF REQUEST: Application for a special use to establish body art services (permanent cosmetic tattooing and scalp micro-pigmentation) in an existing salon.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

NOV 22 2016
CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
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 October 21, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2016; and

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

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

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

APPROVED AS TO SUBSTANCE
[Signature]
CHAIRMAN

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

APPLICANT: Irving Hall, Inc. **CAL NO.:** 478-16-S
APPEARANCE FOR: Mark Kupiec **MINUTES OF MEETING:**
October 21, 2016
APPEARANCE AGAINST: None
PREMISES AFFECTED: 5900-16 W. Irving Park Road

NATURE OF REQUEST: Application for a special use to establish an off-site accessory parking lot with thirty-two parking space to serve a proposed banquet hall located at 6001-09 W. Irving Park Road

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

NOV 22 2016
CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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		X

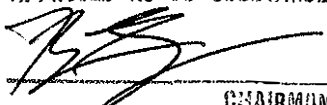
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 21, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2016; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed Findings of Fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish an off-site accessory parking lot with thirty-two parking space to serve a proposed banquet hall located at 6001-09 W. Irving Park Road; 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; 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): The development is consistent with the design and layout of the site plan dated October 18, 2016, prepared by McBride Kelley Baurer.

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: JSJ Properties, LLC

CAL NO.: 479-16-Z

APPEARANCE FOR: Nick Ftikas

MINUTES OF MEETING:
October 21, 2016

APPEARANCE AGAINST: None

PREMISES AFFECTED: 6566 N. Northwest Highway

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 12.76' to 8.33', the north setback from 4.0' to 3.0', the south setback from 4.0' to 3.0', the combined side setback from 10.0' to 6.0' for a proposed three-story, six dwelling unit building with six open parking stalls at the rear accessed from a public alley.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

NOV 22 2016

CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		
X		
		X

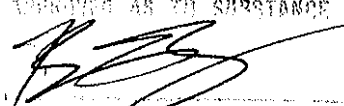
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 21, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2016; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed Findings 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', the north setback to 3.0', the south setback to 3.0', the combined side setback to 6.0' for a proposed three-story, six dwelling unit building with six open parking stalls at the rear accessed from a public alley; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

10/21/16

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

APPLICANT: Thomond Development

CAL NO.: 480-16-S

APPEARANCE FOR: Nick Ftikas

MINUTES OF MEETING:
October 21, 2016

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1179 W. Cullerton Street

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

NOV 22 2016

CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

THE RESOLUTION:


WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 21, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2016; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed Findings of Fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a residential use below the second floor of a proposed three-story, two-dwelling unit building 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):The development is consistent with the design and layout of the site plan, floor plans and elevations, dated April 27, 2016, prepared by Vari Architects, Ltd.

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Mohammed Abdallah **CAL NO.:** 481-16-S
APPEARANCE FOR: John Pikarski **MINUTES OF MEETING:**
October 21, 2016
APPEARANCE AGAINST: None
PREMISES AFFECTED: 6700 S. Cottage Grove Avenue

NATURE OF REQUEST: Application for a special use to expand an existing gas station with a one story addition.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

NOV 22 2016
CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

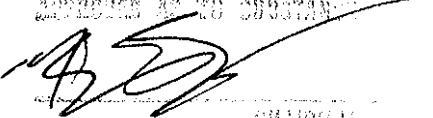
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 21, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2016; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The development is consistent with the design and layout of the site plan and elevations dated October 21, 2016, prepared by Amphion Engineering.

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


 APPROVED AS TO SUBSTANCE
 CHIEF ADMINISTRATOR

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

APPLICANT: Salomon and Clara Monroy **CAL NO.:** 482-16-Z
APPEARANCE FOR: Same as applicant **MINUTES OF MEETING:**
October 21, 2016
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2639 S. Sawyer Avenue

NATURE OF REQUEST: Application for a variation to reduce the north setback from the required 2.0' to 0.54 (south to be 3.5'), combined side setback combination from 5.0' to 4.04' for a rear one and two story addition, a rear open deck with stair on to an existing two-story, two dwelling unit building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

NOV 22 2016

CITY OF CHICAGO

BLAKE SERCYE
 SOL FLORES
 SHEILA O'GRADY
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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X		
		X

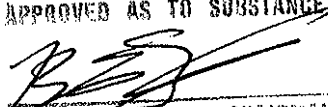
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 21, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2016; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed Findings of Fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the north setback to 0.54 (south to be 3.5'), combined side setback combination to 4.04' for a rear one and two story addition, a rear open deck with stair on to an existing two-story, two dwelling unit building; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

 CHAIRMAN

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

APPLICANT: Convent of the Sacred Heart of Chicago, Illinois **CAL NO.:** 483-16-S

APPEARANCE FOR: Joseph Gattuso **MINUTES OF MEETING:**
October 21, 2016

APPEARANCE AGAINST: None

PREMISES AFFECTED: 6169-75 N. Kenmore Avenue

NATURE OF REQUEST: Application for a special use to establish an off-site accessory parking lot for fifty cars to serve a school located at 6250 N. Sheridan Road.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

NOV 22 2016
CITY OF CHICAGO
DEPARTMENT OF

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X


THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 21, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2016; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed Findings of Fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish an off-site accessory parking lot for fifty cars to serve a school located at 6250 N. Sheridan Road ; 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): The development is consistent with the design and layout of the site plan dated May 11, 2016, prepared by Terry Guen Design Associates.

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

APPROVED AS TO SUBSTANCE

SECRETARY

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



DEC 19 2016
CITY OF CHICAGO
ZONING BOARD OF APPEALS

Linda T. Neuman
APPLICANT

484-16-Z
CALENDAR NUMBER

411 W. Eugenie Street
PREMISES AFFECTED

October 21, 2016
HEARING DATE

Thomas S. Moore
APPEARANCE FOR APPLICANT

Amy Kurson
APPEARANCE FOR OBJECTOR

NATURE OF REQUEST

Application for a variation to reduce the rear setback from the required 25.2' to 2.04', the west side setback from 3.0' to 0.99' (east side setback to be 11.52') for a combined side setback of 12.51' and to reduce the required rear yard open space from 177.19 square feet to 26.91 square feet for a rear one-story addition, rear two-story addition containing two parking stalls and a one story side addition on an existing one-story single family residence.

ACTION OF BOARD

THE VOTE

The application for a variation is approved.

	APPROVE	DENY	ABSENT
Blake Sercye, Chairmain	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sol Flores	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sheila O'Grady	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Amanda Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

THE RESOLUTION OF THE BOARD

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on October 21, 2016, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance ("Zoning Ordinance") and by publication in the *Chicago Sun-Times*; and

WHEREAS, Ms. Linda Neuman, the Applicant, stated her name; and

WHEREAS, Mr. Brian Neuman, husband of the Applicant, testified on behalf of the Applicant; that the subject property is titled in Ms. Neuman's name; that she has owned the subject property for almost a year; that during that time, he has been doing his best to

APPROVED AS TO SUBSTANCE

CHAIRMAN

the Applicant is therefore getting a custom home at a value; that this is not the standard for reasonable rate of return; that in order for a variation to be granted, an applicant must demonstrate that the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; that in this case, the Applicant created her own hardship because she purchased this particular home; that with respect to the particular physical surroundings, shape or topographical condition of the subject property, the only hardship seems to be the Home; that again, the Applicant was aware of the historic nature of the Home when she purchased the Home and should have considered this historic nature prior to purchase; and

WHEREAS, Ms. Kurson then stated that the Association is committed to preserving historic cottages as they were intended; that the Board should reject the Applicant's request for a variation; and

WHEREAS, Ms. Sally Militon, of 1649 N. Hudson, testified in objection to the application; that her home – according to her tax bill – is worth \$1.8 million; that her home is 1000 square feet smaller than the Home; that the Home is the only single-family home on this portion of Eugenie; that she is concerned about the alley at the rear of the subject property and public safety; that said alley is less than 10 feet wide; that garbage trucks are unable to collect garbage in the alley; that she is concerned that ambulances and fire trucks cannot use the alley; that therefore she is concerned with the request to reduce the rear setback; and

WHEREAS, Alderman Hopkins testified in objection to the application; that he commends the Applicant for her sensitivity to the historic nature of the Home; that the requested variation is out of character with the District; that the proposed two-story addition is a massive structure that would take up all of the Home's backyard; that the alley at the rear of the subject property is already quite narrow; that there is evidence of prior damage from vehicles on some of the other garages in the alley; that he would be in objection if the Home were not in the District as the proposed addition is simply too big for the rear yard on the subject property; and

WHEREAS, Mr. Jordan Matyos, of 1704 N. Sedgewick and Secretary of the Association, testified in objection to the application; that Landmarks approved the Applicant's proposed renovation over the Association's objections; that the Association is concerned about the safety of the alley; that Association members buy homes in the District because they love the historic nature of the District; that while the Association appreciates the Applicant's intent to preserve the front of the Home, the Association views the requested variation as a self-created problem; that the Home is a wonderful cottage with a wonderful backyard; that the Association finds what the Applicant is proposing to do to the rear of the Home completely unacceptable; and

WHEREAS, Ms. Jennifer Wellman, of 1637 N. Hudson, testified in objection to the application; that she is concerned about the alley because in the winter the alley is harrowing to drive; that a plow cannot get down the alley; that she has hand-shoveled the alley numerous times; that in the five years she has lived at 1637 N. Hudson, she has seen

two (2) cars smash into the house opposite the Home due snow and ice; that the Applicant needs a setback because it is so narrow in the alley that when there is snow, one can barely pass in it; that she is not a member of the Association; and

WHEREAS, Mr. Steve Hnatiuk, of 837 W. Ainslie, testified in objection to the application; that his aunt resides at 1648 N. Sedgwick, the property directly across the alley from the Home; that his aunt has had structural damage to her house because cars have actually run into it; and

WHEREAS, Ms. Diane Gonzalez, of 218 W. Menomonee and a member of the Association's Board, testified in opposition to the application; that the proposed variation will destroy the charm of the District; and

WHEREAS, in response to questions by the Board, Mr. Matyos and Ms. Gonzalez further testified that a north-south alley intersected with the east-west alley at the rear of the subject property; that said north-south alley dead-ended at the subject property; that making a turn from the north-south alley to the east-west alley was very difficult due to the placement of two utility poles; that the previous owner of the subject property had her fence off the rear property line so that a car could make the turn by traversing over the subject property by two feet (2'); and

WHEREAS, in response to questions by the Board, Ms. Gonzalez further testified that the subject property is right at the turn; that 415 W. Eugenie, the property next west to the subject property, has a garage; that said garage has a setback; that nevertheless, said garage has pylons around it that get knocked over by cars; that said garage is actually a new garage because the older one got hit so many times it became structurally unsound; and

WHEREAS, the Board inquired why the Applicant's proposed garage could not have the same setback as the garage at 415 W. Eugenie; and

WHEREAS, Mr. Mahakali testified that the Applicant's proposed garage had a greater setback than the garage at 415 W. Eugenie; and

WHEREAS, Ms. Nancy Joyce, of 1711 N. Hudson testified in defense of cottages; that East Lincoln Park is encroaching on the District; and

WHEREAS, Mr. Moore was granted leave to recall Mr. Mahakali; that Mr. Mahakali further testified the Applicant's proposed garage would be set back two feet (2') from the alley; that he then showed the Board three (3) pictures of the ten (10) houses with the two alleys; that the alleys had been there for many years, and the Applicant's proposed renovations will not affect the alleys; that cars will continue going down the alley whether the Applicant builds an addition or not; that the Home has a right to two (2) parking spaces even if the Applicant does not build a garage; that he then showed the Board true and accurate aerial images of the subject property and its neighboring properties; that as shown in the images, the Home has the most green space of any

property on the block; that this will remain true after the proposed addition; that with such a large east side yard, there is no way the proposed renovation will affect the property next east's light and air; that with respect to the property next west, the addition will be nowhere near the house on the property next west; that therefore the requested variation will not affect anyone's light and air; and

WHEREAS, Mr. Moore was granted leave to recall Mr. Neuman; that Mr. Neuman further testified that the proposed addition to the Home was a two-car garage; that several other homes in the area had a two-car garage; and

WHEREAS, in response to questions by the Board, Mr. Moore explained that the Applicant did not create her own hardship by purchasing the Home; that the Applicant and her husband will improve the Home; that the Home has been in its present condition since the 1870s; that the subject property is in a RM-5 zoning district; that even with the proposed addition and renovation, the Home will only be using twenty-eight percent (28%) of the subject property's FAR; and

WHEREAS, Section 17-13-1101-B of the Chicago Zoning Ordinance grants the Zoning Board of Appeals authority to grant a variation to permit the reduction of any setback; now, therefore,

THE ZONING BOARD OF APPEALS having fully heard the testimony and arguments of the parties and as the decision of the Zoning Board of Appeals to approve a variation application must be based solely on the approval criteria enumerated in Section 17-13-1107-A, B and C of the Chicago Zoning Ordinance, and the Board being fully advised, hereby makes the following findings with reference to the Applicant's application for variation:

1. The Board finds pursuant to Section 17-13-1107-A that the Applicant has proved her case by testimony and other evidence that strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property due to the historic nature of the Home on the subject property. Further, the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance because, in accordance with Section 17-10511 of this Zoning Ordinance, the Applicant's request promotes rehabilitation and reuse of a 1870s historic home that is presently in disrepair.
2. The Board finds pursuant to Section 17-13-1107-B that the Applicant has proved her case by testimony and other evidence that: (1) the subject property cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance because without the variation the Applicant cannot renovate the Home; (2) the practical difficulty or particular hardship is due to the unique circumstance of the historic Home on the subject property because Landmarks, the governing body responsible for historic buildings in the City, will only allow an addition to the rear of the Home; and (3) the variation, if granted, will not alter the essential character of the

neighborhood as Landmarks has extensively reviewed the Applicant's proposed renovations, including the rear addition, prior to granting its approval.

3. The Board, in making its determination pursuant to 17-13-1107-C that a practical difficulty or particular hardship did exist, took into account that evidence was presented that: (1) the particular topographical condition of the specific property involved – namely, the historic nature of the Home– would result in particular hardship upon the Applicant if the strict letter of the regulations were carried out as the Applicant is otherwise entitled to an addition as of right under the standards of the RM-5 zoning district and were it not for Landmarks' request that any addition be (a) limited to the current height of the Home and (b) in the rear, the Applicant would not need the requested variation; (2) the condition of the historic Home is not applicable, generally, to other property in the RM-5 zoning district; (3) the purpose of the variation is not based exclusively upon a desire to make more money out of the property as the Applicant and her husband intend to live in the Home; (4) the historic nature of the Home has not been created by any person having an interest in the subject property; (5) the granting of the variation will not be detrimental to public welfare or injurious to other property as credibly testified to by Mr. Mahakali; 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 as very credibly testified to by Mr. Mahakali.

RESOLVED, the Board finds that the Applicant has sufficiently established by testimony and other evidence covering the specific criteria for a variation to be granted pursuant to Sections 17-13-1107- A, B and C of the Chicago Zoning Ordinance.

RESOLVED, the aforesaid variation application is hereby approved, 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: FBF, LLC **CAL NO.:** 485-16-Z
APPEARANCE FOR: Thomas Moore **MINUTES OF MEETING:**
October 21, 2016
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2117 W. Eastwood Avenue

NATURE OF REQUEST: Application for a variation to reduce the west setback from the required 2.99' to zero (east setback to be 3') combined side setback from 7.49' to 3', the rear yard setback from 34.03' to 3.0' for a stair to access a proposed garage rooftop deck on the existing three car garage.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

NOV 22 2016
CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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		X

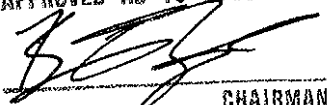
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 21, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2016; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed Findings of Fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the west setback to zero (east setback to be 3') combined side setback from 7.49' to 3', the rear yard setback to 3.0' for a stair to access a proposed garage rooftop deck on the existing three car 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: GSXR, LLC Series A **CAL NO.:** 486-16-S
APPEARANCE FOR: Thomas Moore **MINUTES OF MEETING:**
October 21, 2016
APPEARANCE AGAINST: None
PREMISES AFFECTED: 4753 N. Hamilton Avenue

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

NOV 22 2016
CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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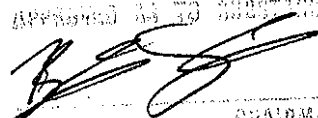
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 21, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2016; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed Findings of Fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish residential use below the second floor for a proposed three-story, four dwelling unit building; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; a variation was also granted to the subject site in Cal. No. 487-16-Z; 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): The design and layout of the basement and first floor plan, both dated April 5, 2016, in addition to the site, second floor, third floor and roof plans, as well as the elevations, dated June 6, 2016, all prepared by Jonathan SPLITT Architects Ltd.

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

APPROVED BY THE BOARD

CHAIRMAN

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

APPLICANT: GXSR, LLC Series A **CAL NO.:** 487-16-Z
APPEARANCE FOR: Thomas Moore **MINUTES OF MEETING:**
October 21, 2016
APPEARANCE AGAINST: None
PREMISES AFFECTED: 4753 N. Hamilton Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback on floors containing dwelling units from the required 30.0' to 2.0' to allow a four car detached garage with roof deck and a bridge to provide access to the deck from the rear open stairwell of the proposed three-story, four dwelling unit building.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

NOV 22 2016
 CITY OF CHICAGO

BLAKE SERCYE
 SOL FLORES
 SHEILA O'GRADY
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		


THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 21, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2016; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed Findings of Fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback on floors containing dwelling units to 2.0' to allow a four car detached garage with roof deck and a bridge to provide access to the deck from the rear open stairwell of the proposed three-story, four dwelling unit building; a special use was also granted to the subject site in Cal. No. 486-16-S; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

 CHAIRMAN

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

APPLICANT: Prairie 4 LLC **CAL NO.:** 488-16-S
APPEARANCE FOR: Meg George **MINUTES OF MEETING:**
October 21, 2016
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1927-35 S. Prairie Avenue / 310-12 E. Cullerton Street

NATURE OF REQUEST: Application for a special use to establish residential use for a proposed twelve townhouse development with on-site parking.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

NOV 22 2016
CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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X		
X		


THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 21, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2016 ; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed Findings of Fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a residential use for a twelve townhouse development with on-site parking; 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): The development is consistent with the design and layout of the plans dated October 21, 2016, prepared by Michael J. Leary Architect, including the landscape plan prepared by Daniel and Partners, LTD.

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


 CHAIRMAN

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

APPLICANT: Lincoln Diversey, LLC

CAL NO.: 489-16-Z

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:
October 21, 2016

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2800 N. Lincoln Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 30' to zero for a five-story building with retail on the ground floor and six-dwelling units above.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

NOV 22 2016

CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
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 October 21, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2016; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed Findings 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 from the required 30' to zero for a five-story building with retail on the ground floor and six-dwelling units above; 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.

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

APPLICANT: Skyriver Canal Development. LLC **CAL NO.:** 490-16-Z
APPEARANCE FOR: Richard Toth **MINUTES OF MEETING:** October 21, 2016
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2300 S. Archer Avenue

NATURE OF REQUEST: Application for a variation to reduce the required two loading spaces to one loading space for a two story retail building with a parking garage.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

NOV 22 2016
 CITY OF CHICAGO

BLAKE SERCYE
 SOL FLORES
 SHEILA O'GRADY
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
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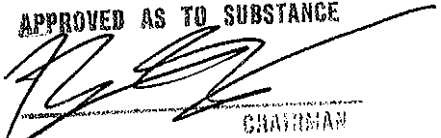
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 21, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2016; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed Findings 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 two loading spaces to one loading space for a two-story retail building with a parking garage; additional variations were also granted to the subject site in Cal. No. 491-16-Z and 492-16-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: Skyriver Canal Development, LLC **CAL NO.:** 491-16-Z
APPEARANCE FOR: Richard Toth **MINUTES OF MEETING:**
 October 21, 2016
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2300 S. Archer Avenue

NATURE OF REQUEST: Application for a variation to reduce the front setback (Canal Street) from the required 12' to zero across the street from an RM-5 zoning district for a two-story retail building with a parking garage.

**ACTION OF BOARD-
 VARIATION GRANTED**

THE VOTE

NOV 22 2016
 CITY OF CHICAGO

BLAKE SERCYE
 SOL FLORES
 SHEILA O'GRADY
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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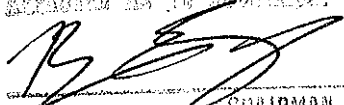
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 21, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2016 ; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed Findings 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 (Canal Street) to zero across the street from an RM-5 zoning district for a two-story retail building with a parking garage; additional variations were also granted to the subject site ion Cal. No. 490-16-Z and 492-16-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.


 CHAIRMAN

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

APPLICANT: Skyriver Development, LLC **CAL NO.:** 492-16-Z
APPEARANCE FOR: Richard Toth **MINUTES OF MEETING:**
October 21, 2016
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2300 S. Archer Avenue

NATURE OF REQUEST: Application for a variation to reduce the required off-street parking spaces by no more than 20% from the required eighty-eight spaces to seventy-four spaces for a two-story retail building with a parking garage.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

NOV 22 2016
CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		


THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 21, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2016; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed Findings 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 spaces by no more than 20% from the required eighty-eight spaces to seventy-four spaces for a two-story retail building with a parking garage; additional variations were also granted in Cal. No. 490-16-Z and 491-16-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.



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

APPLICANT: Araceli Luna

CAL NO.: 493-16-S

APPEARANCE FOR: John Pikarski

MINUTES OF MEETING:
October 21, 2016

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4419 W. Diversey Avenue

NATURE OF REQUEST: Application for a special use to establish one required off-site parking space to serve the proposed day care center located at 4408 W. Diversey Avenue

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

NOV 22 2016
CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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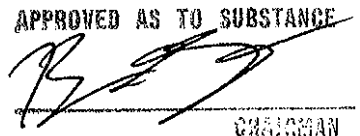
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 21, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2016; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed Findings 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 one required off-site parking space to serve the proposed day care center located at 4408 W. Diversey Avenue; 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; 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: 706 Briar LLC

CAL NO.: 494-16-Z

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:
October 21, 2016

APPEARANCE AGAINST: None

PREMISES AFFECTED: 706 W. Briar Place

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 37'-6" to 22'-8" for an open stair/ bridge to access a proposed garage roof top deck which shall also contain the relocated rear yard open space.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

NOV 22 2016
CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 21, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2016; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed Findings 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'-8" for an open stair/ bridge to access a proposed garage roof top 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
[Signature]

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

APPLICANT: 1222-26 Ohio LLC **CAL NO.:** 495-16-Z
APPEARANCE FOR: Mark Kupiec **MINUTES OF MEETING:**
October 21, 2016
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1226 W. Ohio Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 38.55' to 21.17' for an open bridge/ catwalk to access a proposed garage rooftop deck which shall also contain the relocated rear yard open space.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

NOV 22 2016
 CITY OF CHICAGO

BLAKE SERCYE
 SOL FLORES
 SHEILA O'GRADY
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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 October 21, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2016; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed Findings 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 21.17' for an open bridge/ catwalk to access a proposed garage rooftop 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: Criss Hair Design **CAL NO.:** 496-16-S

APPEARANCE FOR: Lawrence Lusk **MINUTES OF MEETING:**
October 21, 2016

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4310 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

NOV 22 2016
CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
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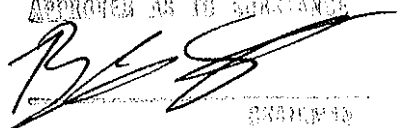
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 21, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2016; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed Findings 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

BLAKE SERCYE

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

APPLICANT:

Checkers Drive-In Restaurants, Inc.

CAL NO.: 497-16-S

APPEARANCE FOR:

MINUTES OF MEETING:

October 21, 2016

APPEARANCE AGAINST:

PREMISES AFFECTED:

157 W. 87th Street

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

ACTION OF BOARD-

WITHDRAWN ON MOTION OF THE APPLICANT

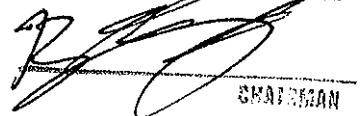
THE VOTE

NOV 22 2016
CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE



CHAIRMAN

WHEREAS, Mr. Moore, counsel for the Applicants, submitted to the Board and the Board received into evidence Ms. Jian's State of Illinois nail technician license; and

WHEREAS, Ms. Jian further testified that with respect to management experience, she managed a spa in New York for more than four years; that the Applicants' proposed hours of operation at the subject property would be 9:00 AM through 8:00 PM, Mondays through Sundays; that the Applicants would have six (6) chairs; that the building at the subject property has ground floor commercial units with residential units above; that the Applicants will not have any outside lighting or create any outside noise; that the proposed special use will be convenient for pedestrians because there are two nearby bus lines: the Halsted bus and the Belmont bus; that she believes there is sufficient demand in the area to support both the Applicants' proposed business and other businesses as there is a new Target nearby as well as new residential condominiums; that the subject property is located just south of Wrigley Field in a very congested neighborhood; that across from the subject property is a Marshalls and DSW so there is a lot foot traffic; that she believes much of this foot traffic would frequent the proposed special use; and

WHEREAS, Mr. Joseph M. Ryan testified on behalf of the Applicants; that his credentials as an expert in real estate appraisal were acknowledged by the Board; that he has physically inspected the subject property and its surrounding area; that he has prepared a report containing the findings of his inspection; that his report was submitted to and accepted by the Board; that in his opinion, the proposed special use will not have a negative effect on the surrounding property values; that he based this opinion on the fact that the subject property is located in a very vibrant, busy commercial corridor with lots of pedestrian traffic; that there are 100,000 people that live within a mile; that the average household income in this area is \$72,500 so there is disposable income for personal services; that while there are three (3) other personal service uses close to the proposed special use (822 N. Belmont, 3149 N. Halsted, and the hair salon use already existing on the subject property), there is lots of pedestrian traffic as the intersection of Belmont and Halsted is a well-known, established commercial corridor; that due to the demand for personal services uses, the proposed special use will not overpopulate the personal service uses in the area; that again this area is a high pedestrian traffic area, so there will be people to use these personal service uses; that in addition to the El, surface CTA routes are plentiful; that there is enough room for two (2) nail salons in the immediate area; and

WHEREAS, in response to questions by the Board, Mr. Ryan further testified that this area is one of the most congested areas in the City; and

WHEREAS, Mr. Seehoo Sung, of 4502 Concord Lane, Northbrook, testified in objection to the application; that he is the son of Ms. Jin A. Cho; and

WHEREAS, Ms. Jin A. Cho, also of 4502 Concord Lane, Northbrook, testified in objection to the application; that she has a nail salon at 3149 N. Halsted; and

WHEREAS, Ms. Devyani Sethi, of 3161 N. Halsted, testified in objection to the application; that she lives in one of the residential units on the subject property; and

WHEREAS, Mr. Sung further testified that although he understood competition is not a factor that the Board can consider in making its decision, that the Board should consider the effect of supply on demand; that Lakeview has an increase in the supply of personal service uses but the demand for such services will be falling; and

WHEREAS, the Board stated that such an argument regarding supply and demand was an argument based on competition; that the Board reminded Mr. Sung that competition is not a factor the Board can consider in making its decision; and

WHEREAS, Ms. Sethi then testified that there is only one common entrance to the building on the subject property; that this entrance serves as an entrance to both the commercial units and the residential units; that because of the shared entrance, she is concerned about the ventilation and potential quality of air due to the chemicals used in the nail salon; and

WHEREAS, in response to questions by the Board, Ms. Sethi further testified that there are six (6) residential and two (2) commercial units in the building on the subject property; and

WHEREAS, Mr. Moore explained that the two (2) commercial units were owned by the Applicants' landlord; and

WHEREAS, Ms. Sethi then testified that this landlord was a member of the building's condo association ("Association"); that the Association has a board; that she owns her unit in the building; and

WHEREAS, the Board explained to Ms. Sethi that typically, condominium association boards had rules for what commercial uses are permitted in commercial units; and

WHEREAS, in response to further questions from the Board, Ms. Sethi further testified that while the hair salon is already sharing the entrance of the building, the hair salon is a different use than the proposed special use; that the hair salon has been at the subject property for a few years; and

WHEREAS, Ms. Cho further testified that there were too many nail salons in the immediate area; and

WHEREAS, Mr. Sung further testified that the Board should take into consideration saving small businesses; and

WHEREAS, in response to further questions by the Board, Mr. Moore was given leave to recall Mr. Ryan; that Mr. Ryan further testified that part of the scope of his

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

APPLICANT: Chicago Title and Land Trust Co. **CAL NO.:** 499-16-Z
APPEARANCE FOR: Thomas Moore **MINUTES OF MEETING:** October 21, 2016
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1238 N. State Parkway

NATURE OF REQUEST: Application for a variation to reduce the north setback from the required 2.0' to zero, the south setback from 2.0' to 0.45', combined side setback from 4.5' to 0.45' and the rear setback from 36.81' to 2.16' to permit a two-story detached two car garage with second floor accessory storage.

**ACTION OF BOARD-
 VARIATION GRANTED**

THE VOTE

NOV 22 2016
 CITY OF CHICAGO

BLAKE SERCYE
 SOL FLORES
 SHEILA O'GRADY
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
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X		
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THE RESOLUTION:

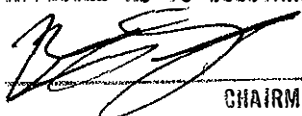
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 21, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2016 October 6, 2016 ; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed Findings 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 zero, the south setback to 0.45', combined side setback to 0.45' and the rear setback to 2.16' to permit a two-story detached two car garage with second floor accessory storage; 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 L Nguyen **CAL NO.:** 500-16-S

APPEARANCE FOR: Paul Kolpak **MINUTES OF MEETING:**
October 21, 2016

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3451 W. Foster Avenue

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

NOV 22 2016
CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
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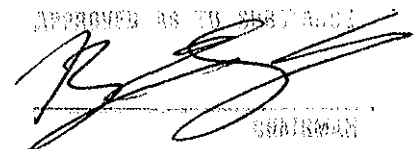
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 21, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2016; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed Findings 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: Kenneth Rose

CAL NO.: 501-16-Z

APPEARANCE FOR:

MINUTES OF MEETING:
October 21, 2016

APPEARANCE AGAINST:

PREMISES AFFECTED: 2116 W. Moffat Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 28.0' to 1.0', the west setback from 2.88' to 0.07' (east to be 3.01'), the combined side setback from 7.2' to 3.08' for a roof deck on the existing garage, a pergola above the garage and a pergola above an existing rear open deck.

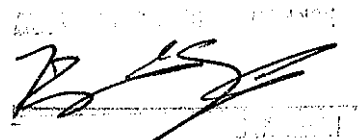
ACTION OF BOARD-
CASE CONTINUED TO NOVEMBER 18, 2016

THE VOTE

NOV 22 2016
CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		



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

APPLICANT: Clark Orleans Holdings, Inc.

CAL NO.: 502-16-S

APPEARANCE FOR:

MINUTES OF MEETING:
October 21, 2016

APPEARANCE AGAINST:

PREMISES AFFECTED: 2035 N. Orleans Street

NATURE OF REQUEST: Application for a special use to establish residential use below the second floor for an existing three-story building to be converted from a garage to a ten dwelling unit building with twenty-ground floor parking spaces and a fourth and fifth floor addition with rooftop stair/elevator enclosures and mechanical room enclosures with roof deck

ACTION OF BOARD-
CASE CONTINUED TO NOVEMBER 18, 2016

THE VOTE

NOV 22 2016
CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		
X		

APPROVED AS TO SUBSTANCE
[Signature]
CHAIRMAN

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

APPLICANT: Clark Orleans Holdings, Inc.

CAL NO.: 503-16-Z

APPEARANCE FOR:

MINUTES OF MEETING:
October 21, 2016

APPEARANCE AGAINST:

PREMISES AFFECTED: 2035 N. Orleans Street

NATURE OF REQUEST: Application for a variation to eliminate the one required lading berth for an existing three-story building being converted from a parking garage into ten dwelling units with twenty-eight ground floor parking spaces, fourth and fifth floor additions with rooftop stair/ elevator enclosure and mechanical room enclosures with rood deck.

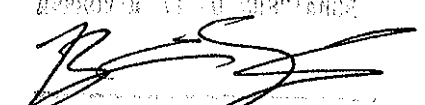
ACTION OF BOARD-
CASE CONTINUED TO NOVEMBER 18, 2016

THE VOTE

NOV 22 2016
CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED BY THE BOARD

CITY OF CHICAGO

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

APPLICANT: Clark Orleans Holdings, Inc.

CAL NO.: 504-16-Z

APPEARANCE FOR:

MINUTES OF MEETING:
October 21, 2016

APPEARANCE AGAINST:

PREMISES AFFECTED: 2035 N. Orleans Street

NATURE OF REQUEST: Application for a variation to increase the maximum height not to exceed 10% of the allowed 60' to 65' for a three-story building being converted from a garage to a ten dwelling unit building with twenty ground floor parking spaces, a fourth and fifth floor addition with rooftop stair/ elevator enclosure and mechanical room enclosures with rood deck.

ACTION OF BOARD-
CASE CONTINUED TO NOVEMBER 18, 2016

THE VOTE

NOV 22 2016
CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

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

APPLICANT: Clark Orleans Holdings, Inc.

CAL NO.: 505-16-Z

APPEARANCE FOR:

MINUTES OF MEETING:
October 21, 2016

APPEARANCE AGAINST:

PREMISES AFFECTED: 2035 N. Orleans Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 30' to 14.55' for an existing three-story building to be converted from a garage to a ten dwelling unit building with twenty-ground floor parking spaces on the ground floor and a fourth and fifth floor addition with rooftop stair/elevator enclosures and mechanical room enclosures with roof deck.

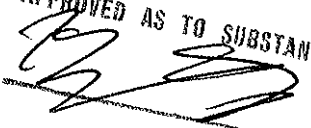
ACTION OF BOARD-
CASE CONTINUED TO NOVEMBER 18, 2016

THE VOTE

NOV 22 2016
CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
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X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT:

Monroe Street Church of Christ

CAL NO.: 506-16-S

APPEARANCE FOR:

MINUTES OF MEETING:

October 21, 2016

APPEARANCE AGAINST:

PREMISES AFFECTED:

3355 W. Fifth Avenue

NATURE OF REQUEST: Application for a special use to establish a one-story three-hundred seat religious assembly with thirty-eight on-site parking spaces.

ACTION OF BOARD-

CASE CONTINUED TO NOVEMBER 18, 2016

THE VOTE

NOV 22 2016
CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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X		
X		

APPROVED AS TO SUBSTANCE
[Signature]
CHAIRMAN

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

APPLICANT: Sustainabuild, LLC

CAL NO.: 507-16-Z

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:
October 21, 2016

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3008 N. Hoyne Avenue

NATURE OF REQUEST: Application for a variation to permit a 12'-9" encroachment into the required 34'-9" rear setback for a rear one-story enclosed walkway connected to the existing garage.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

NOV 22 2016
CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
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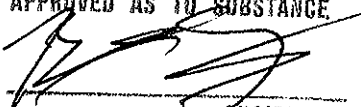
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 21, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2016 ; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed Findings 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 12'-9" encroachment into the required 34'-9" rear setback for a rear one-story enclosed walkway connected to the existing 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: Sustainabuild, LLC

CAL NO.: 508-16-Z

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:
October 21, 2016

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3008 N. Hoyne Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 34'-9" to 22' for an open stair/ bridge to access a garage rooftop which shall also contain the relocated rear yard open space.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

NOV 22 2016
CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

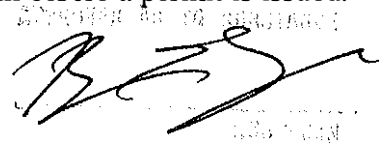
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 21, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2016 ; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed Findings 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' for an open stair/ bridge to access a garage rooftop which shall also contain the relocated rear yard open space; an additional variation was also granted to the subject site in Cal. No. 507-16-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.


 BOARD MEMBER
 OCT 21 2016

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

APPLICANT: THR Ontario, LLC c/o Dan Unger

CAL NO.: 509-16-Z

APPEARANCE FOR:

MINUTES OF MEETING:
October 21, 2016

APPEARANCE AGAINST:

PREMISES AFFECTED: 243 E. Ontario Street

NATURE OF REQUEST: Application for a variation to to reduce the length of the required two fifty foot off street loading spaces from the required 10' x 50' to 10' x 25' to serve a proposed twenty-story, three-hundred eighty one room hotel.


ACTION OF BOARD-
CASE CONTINUED TO NOVEMBER 18, 2016

THE VOTE

NOV 22 2016
CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



NOV 22 2016
CITY OF CHICAGO
DEPARTMENT OF CITY CLERK

Fusion Learning, Inc.
APPLICANT

510-16-S
CALENDAR NUMBER

1440 N. Dayton Street
PREMISES AFFECTED

October 21, 2016
HEARING DATE

Ed Kus
APPEARANCE FOR APPLICANT

J. Michael Drew
OBJECTOR

NATURE OF REQUEST

Application for a special use to establish a private school in a portion of the first floor of an existing three-story building. The school will occupy approximately 8400 square feet of the 13,787 square foot first floor.

ACTION OF BOARD

THE VOTE

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

	APPROVE	DENY	ABSENT
Blake Sercye, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sol Flores	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sheila O'Grady	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Amanda Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

THE RESOLUTION OF THE BOARD

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on October 21, 2016, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance ("Zoning Ordinance") and by publication in the *Chicago Sun-Times*; and

WHEREAS, Mr. Ed Kus, counsel for the Applicant, summarized the facts of the application and explained the underlying basis for the relief sought; that the subject property is improved with an existing three-story building and a small parking lot with eleven (11) spaces; that the subject property is zoned C3-5 and is approximately 25,000 feet in size; that the first floor of the existing building was previously used by the British School; that the British School came before the Board twice to obtain special uses for its establishment at the subject property; that the British School became too large for the subject property and moved to a new building; that the Applicant was before the Board

APPROVED AS TO SUBSTANCE

CHAIRMAN

for a special use to establish an accredited nontraditional private school; that the Applicant's school is nontraditional because it provides customized teaching methods and individual learning; that therefore there is one teacher per student; that students and teachers make up their own schedules, so it is not a traditional school where there are group drop-offs and pick-ups or even group activities or classes in the building; and

WHEREAS, Mr. Don Morgan, the Applicant's vice president of new school development, testified on behalf of the Applicant; that the Applicant has thirty-seven (37) schools around the country, with two (2) in the Chicago area (Lake Forest and Oak Brook); that the Applicant will be opening a school in Evanston in January 2017; that the Applicant is a unique alternative private school that works with children from 6th through 12th grade; that every single class and subject is taught one-to-one; that the Applicant is accredited, and students are given unique schedules and unique curricula based on their needs and ultimate goals; that the Applicant's typical hours of operation are 7:30 AM – 6:30/7:30 PM; that, however, students come on a schedule that works for both them and their families; that the Applicant targets fifteen (15) students upon opening a school; that because all fifteen (15) of these students would come in at different times of the day, the Applicant typically would expect a staff of anywhere from about eight (8) to twelve (12) administrators and teachers; that there are no group activities or classes as everything is one-to-one; and

WHEREAS, Mr. George Kisiel testified on behalf of the Applicant; that his credentials as an expert in land planning were acknowledged by the Board; that he has inspected and evaluated the subject property and the surrounding neighborhood; that he has prepared a report summarizing his findings and conclusions; that said report had been submitted to the Board with the Applicant's proposed finding of fact; that the Board accepted said report; that the proposed school will occupy about 8700 square feet on the ground floor of an existing 35,000 square foot structure; that the structure complies with all the underlying requirements of the C3-5 zoning district in which it is located; that no additions or alterations are proposed to the existing structure; that the existing structure is part of the vernacular urban fabric of the vicinity and is, by its nature, consistent with the character of the surrounding area in terms of physical characteristics; that schools, in general, are in the interest of the public convenience; that given the one-on-one, appointment-based nature of the proposed school and its limited student population, there will be no issue with pick-up and drop-off; that consequently, there will be no adverse impact on the general welfare of the neighborhood or the community; that as discussed earlier, the subject property was formerly occupied by the British School – a similar use; that in general, the Applicant's proposed hours of operation are consistent with the surrounding area and are, in fact, less intense; that similarly, the Applicant's proposed use is less intense than the surrounding area in terms of noise and traffic-generation; that although no parking is required by this Zoning Ordinance, there is an eleven (11) car lot behind the existing structure, separated from pedestrian traffic on both Eastman and Dayton; that the appointment based nature of operations minimizes pick-ups and drop-offs and the reactivation of the ground floor of the structure all contribute to advanced pedestrian safety and comfort; and

WHEREAS, Mr. J. Michael Drew testified; that he is with Structured Development; that Structured Development has a business address of 211 N. Clinton; that Structured Development has been developers in the area for some time and is very supportive of the proposed special use; that, however, the Structured Development has a potential objection in the fact that the developers of the subject property are currently involved in litigation with Structured Development; that said litigation involves easement access, namely the west entrance of the subject property, as currently shown, is an encroachment on Structured Development's access easement; that therefore, Structured Development is supportive of the special use to the extent it does not encroach upon Structure Development's existing access easement; and

WHEREAS, Mr. Kus explained that he was not aware of any litigation; that the Applicant was not the developer of the existing building on the subject property; that the Applicant is merely a tenant of the ground floor; that he hoped Mr. Drew worked out any litigation issues; that the Applicant was not privy to the litigation and was not involved in any way; and

WHEREAS, the Board stated it viewed the special use application and any litigation between the owner of the subject property and Structured Development as two separate issues; and

WHEREAS, Mr. Kus stated that in the Applicant's proposed findings of fact were the prior resolutions of the Board approving the special uses for the British School at the subject property; and

WHEREAS, the Board reminded that it took each application on its own merits; and

WHEREAS, the staff of the Department of Planning and Development recommended approval of the Applicant's proposed private school in a portion of the first floor of the existing three-story building provided that the development of said private school was consistent with the design and layout in the first floor plan dated May 31, 2016 and prepared by Acheson Doyle Partners Architects.

THE ZONING BOARD OF APPEALS having fully heard the testimony and arguments of the parties and being fully advised, 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 this Zoning Ordinance.
2. The proposed special use is in the interest of the public convenience as the proposed special use is a school and will not have a significant adverse impact on the general welfare of the community due to its limited student population.

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 because the proposed use will be located on the ground floor of an existing 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 because the proposed use is less intense than that of the surrounding area in terms of operating characteristics.
5. The proposed special use is designed to promote pedestrian safety and comfort because: (1) the appointment based nature of operations minimizes pick-ups and drop-offs; and (2) the reactivation of the ground floor.

RESOLVED, the Board finds that the Applicant has proved its case by testimony and evidence covering the five specific criteria of Section 17-13-0905-A of the Chicago Zoning Ordinance.

RESOLVED, the aforesaid special use application is hereby approved, Zoning Administrator is authorized to permit said special use subject to the following condition, pursuant to the authority granted by Section 17-13-0906 of the Chicago Zoning Ordinance:

1. The Applicant's special use shall be developed consistent with the design and layout in the first floor plan dated May 31, 2016 and prepared by Acheson Doyle Partners Architects.

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

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

APPLICANT: 747 N. May Street Investors, LLC

CAL NO.: 511-16-S

APPEARANCE FOR:

MINUTES OF MEETING:
October 21, 2016

APPEARANCE AGAINST:

PREMISES AFFECTED: 747 N. May Street

NATURE OF REQUEST: Application for a special use to convert an existing three-story office building into a twenty-two room hotel.

ACTION OF BOARD-
CASE CONTINUED TO NOVEMBER 18, 2016

THE VOTE

NOV 22 2016
CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
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: 747 N. May Street Investors, LLC

CAL NO.: 512-16-S

APPEARANCE FOR:

MINUTES OF MEETING:
October 21, 2016

APPEARANCE AGAINST:

PREMISES AFFECTED: 1139-41 W. Chicago Avenue

NATURE OF REQUEST: Application for a special use to establish an accessory, twelve space parking lot to serve a proposed twenty-two room hotel located at 747 N. May Street

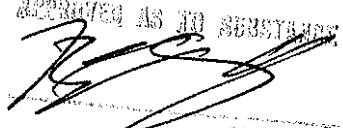
ACTION OF BOARD-
CASE CONTINUED TO NOVEMBER 18, 2016

THE VOTE

NOV 22 2016
CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
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: Lolamarie, LLC dba Glowout Salon **CAL NO.:** 513-16-S

APPEARANCE FOR: Joseph Barber **MINUTES OF MEETING:**
October 21, 2016

APPEARANCE AGAINST: None

PREMISES AFFECTED: 529 N. Milwaukee Avenue

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

NOV 22 2016
CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

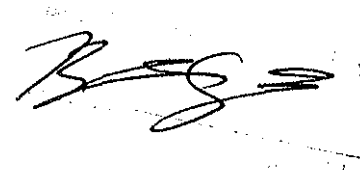
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 21, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2016; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed Findings 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.



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

APPLICANT: NuMed Chicago, LLC

CAL NO.: 514-16-S

APPEARANCE FOR: Rolando Acosta

MINUTES OF MEETING:
October 21, 2016

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1308 W. North Avenue

NATURE OF REQUEST: Application for a special use to establish a Medical Cannabis Dispensing Organization

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

NOV 22 2016
CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

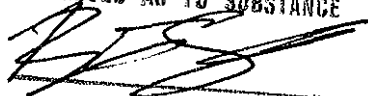
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 21, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 6, 2016 ; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed Findings of Fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a medical marijuana dispensing organization at the subject site; the dispensary shall be located in an existing building which is located in PMD No. 2, Sub-area B; 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): The development is consistent with the design and layout in the floor plan dated September 20, 2015 and prepared by Techno LTD.

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



DEC 19 2016
CITY OF CHICAGO
ZONING BOARD OF APPEALS

Bian Jian, Monica Phung, Wing Kai Ho
APPLICANTS

498-16-S
CALENDAR NUMBER

3161 N. Halsted
PREMISES AFFECTED

October 21, 2016
HEARING DATE

Thomas S. Moore
APPEARANCE FOR APPLICANT

Seehoo Sung & Others
OBJECTORS

NATURE OF REQUEST

Application for a special use permit to permit the establishment of a nail salon.

ACTION OF BOARD

THE VOTE

The application for a special use is approved.

	APPROVE	DENY	ABSENT
Blake Sercye, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sol Flores	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sheila O'Grady	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Amanda Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

THE RESOLUTION OF THE BOARD

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on October 21, 2016, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance ("Zoning Ordinance") and by publication in the *Chicago Sun-Times*; and

WHEREAS, Ms. Bian Jian, one of the Applicants, testified on behalf of the application; she is a licensed nail technician in the State of Illinois; that she has practiced in that trade and has worked for other people in the past; that she would like to have her own business; that she has a contingent lease on a ground floor commercial unit at the subject property; that currently, there is a hair salon in another ground floor commercial unit at the subject property ; that she has had extensive conversations with the owners of the hair salon, the local chamber of commerce and the Alderman's office; that the Applicants have agreed to not do hair and the owners of the hair salon have agreed they will not do nails; and

APPROVED AS TO SUBSTANCE

CHAIRMAN

WHEREAS, Ms. Devyani Sethi, of 3161 N. Halsted, testified in objection to the application; that she lives in one of the residential units on the subject property; and

WHEREAS, Mr. Sung further testified that although he understood competition is not a factor that the Board can consider in making its decision, that the Board should consider the effect of supply on demand; that Lakeview has an increase in the supply of personal service uses but the demand for such services will be falling; and

WHEREAS, the Board stated that such an argument regarding supply and demand was an argument based on competition; that the Board reminded Mr. Sung that competition is not a factor the Board can consider in making its decision; and

WHEREAS, Ms. Sethi then testified that there is only one common entrance to the building on the subject property; that this entrance serves as an entrance to both the commercial units and the residential units; that because of the shared entrance, she is concerned about the ventilation and potential quality of air due to the chemicals used in the nail salon; and

WHEREAS, in response to questions by the Board, Ms. Sethi further testified that there are six (6) residential and two (2) commercial units in the building on the subject property; and

WHEREAS, Mr. Moore explained that the two (2) commercial units were owned by the Applicants' landlord; and

WHEREAS, Ms. Sethi then testified that this landlord was a member of the building's condo association ("Association"); that the Association has a board; that she owns her unit in the building; and

WHEREAS, the Board explained to Ms. Sethi that typically, condominium association boards had rules for what commercial uses are permitted in commercial units; and

WHEREAS, in response to further questions from the Board, Ms. Sethi further testified that while the hair salon is already sharing the entrance of the building, the hair salon is a different use than the proposed special use; that the hair salon has been at the subject property for a few years; and

WHEREAS, Ms. Cho further testified that there were too many nail salons in the immediate area; and

WHEREAS, Mr. Sung further testified that the Board should take into consideration saving small businesses; and

WHEREAS, in response to further questions by the Board, Mr. Moore was given leave to recall Mr. Ryan; that Mr. Ryan further testified that part of the scope of his

assignment on the application was to ascertain whether the proposed special use is compatible with the surrounding area; that he saw no problem with the hair salon and the proposed special use sharing the same entrance to the building as the residents; that many buildings have lobbies with businesses on the ground floor and then a separate elevator to get to the residential units; that this is not unusual; that while the Applicants do not know what the Association's declarations say, generally, in small condominium buildings the votes of the residential units outweigh the votes of the commercial units in the condominium association; that therefore residential units usually impose restrictions on the types of uses that are allowed in the commercial units; that as there has been a hair salon at the building since the building's inception, it may be inferred that the Association has not restricted personal service use in the commercial units; and

WHEREAS, in response to further questions by the Board, Mr. Moore was given leave to recall Ms. Jian; that Ms. Jian further testified that the commercial unit the Applicants' planned to lease had ventilation; that the Applicants would only use organic products; that she herself had eczema so she is afraid of chemicals generally used in nail salons; that there are many organic nail salons in the City and they are very successful; that, however, these organic nail salons are only located in the Gold Coast; that she believes that due to all the young people living in the area, there would be a strong demand for the Applicants' proposed organic nail salon; that Ms. Cho's nail salon does not use organic products; that she signed a contingent lease for the commercial unit; that while she did not have an attorney help her with the lease, she spoke with the commercial unit's owner, and she was advised that the building would permit a nail salon; and

WHEREAS, in response to further questions from the Board, Mr. Ryan further testified that upon entering the building, one entered a foyer; that then there is an entry door to the nail salon, an entry door to the hair salon, and an entry door to the residential units; that this entry door to the residential units is secured and to enter, one needs a pass or to be buzzed in; and

WHEREAS, the staff of the Department of Planning and Development recommended approval of the proposed special use; now, therefore,

THE ZONING BOARD OF APPEALS having fully heard the testimony and arguments of the parties and being fully advised, 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 this 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 community as very credibly testified to by Mr. Ryan. Any arguments to the contrary made by Mr. Sung or Ms. Cho must be discounted as Ms. Cho is a competitor of the Applicants and Mr. Sung is Ms. Cho's son. The control or restriction of competition is not a proper or lawful zoning

objective. *Cosmopolitan Nat. Bank v. Village of Niles*, 118 Ill.App.3d 87, 91 (1st Dist. 1983); *see also Lazarus v. Village of Northbrook*, 31 Ill.2d 146, 152 (1964). Further, because the commercial space is ventilated and as Ms. Jian will be using organic products, the proposed special use will not disturb the residential units in the building.

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 because the proposed use will be located within a commercial unit of an existing condominium 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 because this portion of Halsted is a vibrant commercial corridor and therefore there are other business and commercial uses in the area. Further, as Ms. Jian very credibly testified, the Applicants will not have any outdoor noise or lighting.

5. The proposed special use is designed to promote pedestrian safety and comfort because it will be located within a commercial unit within an existing condominium building. Further, the Applicants expect their clients to be comprised from the existing pedestrian traffic in the area or for their clients to arrive by public transportation.

RESOLVED, the Board finds that the Applicant has proved its case by testimony and evidence covering the five specific criteria of Section 17-13-0905-A of the Chicago Zoning Ordinance.

RESOLVED, the aforesaid special use application is hereby approved, and the Zoning Administrator is authorized to permit said special use.

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

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



DEC 19 2016
CITY OF CHICAGO
ZONING BOARD OF APPEALS

Linda T. Neuman
APPLICANT

484-16-Z
CALENDAR NUMBER

411 W. Eugenie Street
PREMISES AFFECTED

October 21, 2016
HEARING DATE

Thomas S. Moore
APPEARANCE FOR APPLICANT

Amy Kurson
APPEARANCE FOR OBJECTOR

NATURE OF REQUEST

Application for a variation to reduce the rear setback from the required 25.2' to 2.04', the west side setback from 3.0' to 0.99' (east side setback to be 11.52') for a combined side setback of 12.51' and to reduce the required rear yard open space from 177.19 square feet to 26.91 square feet for a rear one-story addition, rear two-story addition containing two parking stalls and a one story side addition on an existing one-story single family residence.

ACTION OF BOARD

THE VOTE

The application for a variation is approved.

	APPROVE	DENY	ABSENT
Blake Sercye, Chairmain	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sol Flores	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sheila O'Grady	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Amanda Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

THE RESOLUTION OF THE BOARD

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on October 21, 2016, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance ("Zoning Ordinance") and by publication in the *Chicago Sun-Times*; and

WHEREAS, Ms. Linda Neuman, the Applicant, stated her name; and

WHEREAS, Mr. Brian Neuman, husband of the Applicant, testified on behalf of the Applicant; that the subject property is titled in Ms. Neuman's name; that she has owned the subject property for almost a year; that during that time, he has been doing his best to

APPROVED AS TO SUBSTANCE

CHAIRMAN

get a permit to renovate the home on the subject property (the "Home"); that he and his wife purchased the Home to be closer to their daughter and to take care of their grandchildren; that when he purchased the Home, he understood that the Home was in a historic district; that he understood that this would create certain difficulties and hardships; that he read every guideline for historic additions; that he hired an architect who is particularly attuned to working with the Commission on Chicago Landmarks' Permit Review Committee ("Landmarks"); that he and his wife will spend approximately \$1.3 million in renovating the Home; that the Home is a 1875 building and most of the renovation cost is to renovate and reinforce the Home, including pouring a new foundation; that every board in the Home will be reinforced with larger and more significant boards; that every historic element in the Home would be retained; that he is returning the Home to its 1875 glory but with some internal adjustments to make the Home work for a modern family; that he has painstakingly worked with Landmarks to make the renovation of the Home work; and

WHEREAS, Mr. Neuman further testified that there are ten (10) buildings between the two (2) streets on this side of Eugenie; that the Home is the smallest of these ten (10) buildings; that even with the proposed addition, the Home will be much smaller than any other home and much lower in height; that the Home is located in a RM-5 zoning district; that even after the addition, the Home will be using only twenty-eight percent (28%) of the allowed Floor Area Ratio ("FAR"); that after the addition, a whole side yard or thirty-one percent (31%) of the subject property will be green space; that the Home will be the only home on the block with this kind of green space; that the subject property is the widest and largest lot on the block but will have the smallest building, even after the addition; that he and his architect went through an extensive process with Landmarks; that he made many changes to the proposed addition to adopt Landmarks' requests; that he also made a major change to the proposed addition in response to the request of the Chairman of the Old Town Triangle Association ("Association"); that as a result of his efforts with Landmarks, he obtained a letter of approval; that Landmarks is the City division in charge of ensuring that the renovation of the Home complies with all requirements of the Commission on Chicago Landmarks; that he also submitted the plans for the proposed renovation to State of Illinois' Historic Preservation Agency ("Agency"); that after an extensive review by the Agency, the Agency approved the plans; that he has discussed the proposed renovation with his neighbors and has six letters of support from said neighbors that were sent to the Board; and

WHEREAS, Mr. Neuman then showed the Board an exhibit depicting the proposed renovations to the Home from various spots as if one was walking down Eugenie; that he then testified that there is only one angle from which one could possibly see the proposed addition from the street; that said angle is obscured by large evergreens; that therefore there is virtually no way that one could see the addition to the back of the Home; that after the addition, the Home will still be the smallest building on the block; that that the house next west and the house next east to the subject property are both three (3) stories; that after the proposed addition, the Home will be one-and-a-half stories; that the proposed addition will be done within the same height as the existing Home without increasing the height of the Home; that he then showed the Board an exhibit depicting the

subject property after the proposed addition; that the addition would allow the Applicant to use twenty-eight (28%) of the subject property; that the Applicant is requesting the proposed variation to build in the rear of the subject property; that the Applicant is not requesting the variation to make money off the subject property but is instead requesting the variation to live at the subject property; that with respect to reasonable return, he will not be able to renovate the Home without the requested variation; that he did not create any of the difficulties as the Home has existed since 1875 and is in disrepair; that he has taken extensive measures to insure that the proposed variation will not alter the essential character of the neighborhood; that on the contrary, the requested variation will improve the essential character of the neighborhood because the Home will look like a historic house and will no longer be aluminum sided and patched together; that all historic elements to the Home will be restored; and

WHEREAS, Mr. Neuman testified that the hardships with respect to the subject property are not mere inconveniences but were obstacles that must be overcome; that the requested variation would not be applicable, generally, if the subject property were in any other neighborhood as the subject property is very unique and is a very short lot; that the requested variation is needed to create a livable, workable house and is not being requested due to money; that the requested variation will not be detrimental to the public welfare or injurious to the surrounding property values; that the requested variation will not take away from anyone's light and air; that in fact, the home next east to the subject property is three stories and takes up the entire lot; that the requested variation will not create a fire hazard; that the requested variation will not be endangering or impairing anyone else's property; and

WHEREAS, Mr. Prashanth Mahakali of PMPC Architects testified on behalf of the Applicant; that PMPC Architects works primarily on residential projects similar to the proposed renovation of the Home; that PMPC Architects is particularly interested in buildings in City of Chicago Landmark Districts ("Landmark Districts") because said buildings present a unique set of challenges which PMPC Architects love to take on; that his CV had been previously submitted to the Board and that said CV was true and accurate; that he then testified as to how he and PMPC Architects work on historic properties like the Home; that he has worked on other landmark properties in the neighborhood; that in this case, Old Town represents a very unique neighborhood because the buildings are unique and present their own challenges; that PMPC Architects has come up with the best possible solution for this particular lot, considering the Applicant's wishes and the requirements of Landmarks; that the proposed addition does not affect the character of the neighborhood and, in fact one cannot see the proposed addition from the front of the subject property; that one of Landmarks' primary criteria is to make sure that any addition cannot be seen from the front of the subject property; that in the case of the proposed addition to the Home, the addition was put on the rear of the Home due to requests from Landmarks and the neighborhood group; that this is why the Applicant is before the Board; and

WHEREAS, Mr. Mahakali testified that the hardship to be overcome with respect to the variation is that Landmarks and the neighborhood does not want an addition

anywhere but the back of the Home; that there is no other place to put the addition without affecting the character of the neighborhood and the Home, which is what both Landmarks and the neighborhood want to protect; that the subject property is very unique because it is such a wide lot with a small Home; that even with the proposed addition, the renovation plan does not exceed the height of the existing Home; that, moreover, the addition is barely visible – if at all – from the street; that most of the green space that is the unique character of the subject property is retained; that the proposed addition will include a garage so that the Home will be more compliant with this Zoning Ordinance than before; that when the addition is done, the Home is only going to use twenty-eight (28%) of the available FAR for the subject property; that it will still be the smallest house on the block and will retain 1110 square feet (or 31%) of the subject property's green space; that the proposed variation will not have any detrimental effect on the public welfare or be injurious to improvements in the neighborhood; that the proposed variation will not alter the essential character of the neighborhood; and

WHEREAS, in response to questions by the Board, Mr. Mahakali further testified that he has worked on other properties in the Old Town Historic District ("District") though not on any properties on this particular block of the District; that he is not aware of any developments in the District that are similar to the proposed renovation to the Home; that Landmarks has approved the proposed renovation; that Landmarks is concerned about keeping the subject property looking the same as it did in 1875; that Landmarks looks at whether the proposed renovation will fit into the character of the neighborhood; that the Applicant is not proposing any changes that would be detrimental to the character of the neighborhood or the Home itself, such as changing the façade or installing non-historical windows; that Landmarks is also concerned that any proposed renovation is shown to the neighborhood group; that in the instant case, the Applicant presented its plan to the neighborhood group; that the Applicant complied with any suggestions from Landmarks itself and also reduced the scale and size of the addition in response to suggestions from the neighborhood group; and

WHEREAS, Ms. Amy Kurson, counsel for the Association, began her case-in-chief; that while the Association commends the Applicant for her commitment to preserving windows and bringing back historic siding to the Home, the Applicant's request for the variation does not meet the standards set forth in the Zoning Ordinance; that the requested variation does not meet the stated purpose and intent of the Zoning Ordinance; that the requested variation would block the light and air of the adjacent property; that she then presented to the Board Opposition Exhibits B1 and B2, which demonstrated the yards that are on the subject property's side of Eugenie; that four (4) of the backyards in this block are open, including the adjacent property; that further, a variation may only be granted if the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of the Zoning Ordinance; that the subject property can yield a reasonable return as the neighborhood is desirable and the charm of the neighborhood makes up for the size of the Home; that the size of the Home was reflected in the purchase price; that the Applicant only paid \$600,000 for the subject property; that she then presented the Board Opposition Exhibit A, showing the cost the Applicant paid for the Home; that the Applicant claimed it was putting \$1.3 million into the Home; that

the Applicant is therefore getting a custom home at a value; that this is not the standard for reasonable rate of return; that in order for a variation to be granted, an applicant must demonstrate that the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; that in this case, the Applicant created her own hardship because she purchased this particular home; that with respect to the particular physical surroundings, shape or topographical condition of the subject property, the only hardship seems to be the Home; that again, the Applicant was aware of the historic nature of the Home when she purchased the Home and should have considered this historic nature prior to purchase; and

WHEREAS, Ms. Kurson then stated that the Association is committed to preserving historic cottages as they were intended; that the Board should reject the Applicant's request for a variation; and

WHEREAS, Ms. Sally Militon, of 1649 N. Hudson, testified in objection to the application; that her home – according to her tax bill – is worth \$1.8 million; that her home is 1000 square feet smaller than the Home; that the Home is the only single-family home on this portion of Eugenie; that she is concerned about the alley at the rear of the subject property and public safety; that said alley is less than 10 feet wide; that garbage trucks are unable to collect garbage in the alley; that she is concerned that ambulances and fire trucks cannot use the alley; that therefore she is concerned with the request to reduce the rear setback; and

WHEREAS, Alderman Hopkins testified in objection to the application; that he commends the Applicant for her sensitivity to the historic nature of the Home; that the requested variation is out of character with the District; that the proposed two-story addition is a massive structure that would take up all of the Home's backyard; that the alley at the rear of the subject property is already quite narrow; that there is evidence of prior damage from vehicles on some of the other garages in the alley; that he would be in objection if the Home were not in the District as the proposed addition is simply too big for the rear yard on the subject property; and

WHEREAS, Mr. Jordan Matyos, of 1704 N. Sedgewick and Secretary of the Association, testified in objection to the application; that Landmarks approved the Applicant's proposed renovation over the Association's objections; that the Association is concerned about the safety of the alley; that Association members buy homes in the District because they love the historic nature of the District; that while the Association appreciates the Applicant's intent to preserve the front of the Home, the Association views the requested variation as a self-created problem; that the Home is a wonderful cottage with a wonderful backyard; that the Association finds what the Applicant is proposing to do to the rear of the Home completely unacceptable; and

WHEREAS, Ms. Jennifer Wellman, of 1637 N. Hudson, testified in objection to the application; that she is concerned about the alley because in the winter the alley is harrowing to drive; that a plow cannot get down the alley; that she has hand-shoveled the alley numerous times; that in the five years she has lived at 1637 N. Hudson, she has seen

two (2) cars smash into the house opposite the Home due snow and ice; that the Applicant needs a setback because it is so narrow in the alley that when there is snow, one can barely pass in it; that she is not a member of the Association; and

WHEREAS, Mr. Steve Hnatiuk, of 837 W. Ainslie, testified in objection to the application; that his aunt resides at 1648 N. Sedgwick, the property directly across the alley from the Home; that his aunt has had structural damage to her house because cars have actually run into it; and

WHEREAS, Ms. Diane Gonzalez, of 218 W. Menomonee and a member of the Association's Board, testified in opposition to the application; that the proposed variation will destroy the charm of the District; and

WHEREAS, in response to questions by the Board, Mr. Matyos and Ms. Gonzalez further testified that a north-south alley intersected with the east-west alley at the rear of the subject property; that said north-south alley dead-ended at the subject property; that making a turn from the north-south alley to the east-west alley was very difficult due to the placement of two utility poles; that the previous owner of the subject property had her fence off the rear property line so that a car could make the turn by traversing over the subject property by two feet (2'); and

WHEREAS, in response to questions by the Board, Ms. Gonzalez further testified that the subject property is right at the turn; that 415 W. Eugenie, the property next west to the subject property, has a garage; that said garage has a setback; that nevertheless, said garage has pylons around it that get knocked over by cars; that said garage is actually a new garage because the older one got hit so many times it became structurally unsound; and

WHEREAS, the Board inquired why the Applicant's proposed garage could not have the same setback as the garage at 415 W. Eugenie; and

WHEREAS, Mr. Mahakali testified that the Applicant's proposed garage had a greater setback than the garage at 415 W. Eugenie; and

WHEREAS, Ms. Nancy Joyce, of 1711 N. Hudson testified in defense of cottages; that East Lincoln Park is encroaching on the District; and

WHEREAS, Mr. Moore was granted leave to recall Mr. Mahakali; that Mr. Mahakali further testified the Applicant's proposed garage would be set back two feet (2') from the alley; that he then showed the Board three (3) pictures of the ten (10) houses with the two alleys; that the alleys had been there for many years, and the Applicant's proposed renovations will not affect the alleys; that cars will continue going down the alley whether the Applicant builds an addition or not; that the Home has a right to two (2) parking spaces even if the Applicant does not build a garage; that he then showed the Board true and accurate aerial images of the subject property and its neighboring properties; that as shown in the images, the Home has the most green space of any

property on the block; that this will remain true after the proposed addition; that with such a large east side yard, there is no way the proposed renovation will affect the property next east's light and air; that with respect to the property next west, the addition will be nowhere near the house on the property next west; that therefore the requested variation will not affect anyone's light and air; and

WHEREAS, Mr. Moore was granted leave to recall Mr. Neuman; that Mr. Neuman further testified that the proposed addition to the Home was a two-car garage; that several other homes in the area had a two-car garage; and

WHEREAS, in response to questions by the Board, Mr. Moore explained that the Applicant did not create her own hardship by purchasing the Home; that the Applicant and her husband will improve the Home; that the Home has been in its present condition since the 1870s; that the subject property is in a RM-5 zoning district; that even with the proposed addition and renovation, the Home will only be using twenty-eight percent (28%) of the subject property's FAR; and

WHEREAS, Section 17-13-1101-B of the Chicago Zoning Ordinance grants the Zoning Board of Appeals authority to grant a variation to permit the reduction of any setback; now, therefore,

THE ZONING BOARD OF APPEALS having fully heard the testimony and arguments of the parties and as the decision of the Zoning Board of Appeals to approve a variation application must be based solely on the approval criteria enumerated in Section 17-13-1107-A, B and C of the Chicago Zoning Ordinance, and the Board being fully advised, hereby makes the following findings with reference to the Applicant's application for variation:

1. The Board finds pursuant to Section 17-13-1107-A that the Applicant has proved her case by testimony and other evidence that strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property due to the historic nature of the Home on the subject property. Further, the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance because, in accordance with Section 17-10511 of this Zoning Ordinance, the Applicant's request promotes rehabilitation and reuse of a 1870s historic home that is presently in disrepair.
2. The Board finds pursuant to Section 17-13-1107-B that the Applicant has proved her case by testimony and other evidence that: (1) the subject property cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance because without the variation the Applicant cannot renovate the Home; (2) the practical difficulty or particular hardship is due to the unique circumstance of the historic Home on the subject property because Landmarks, the governing body responsible for historic buildings in the City, will only allow an addition to the rear of the Home; and (3) the variation, if granted, will not alter the essential character of the

neighborhood as Landmarks has extensively reviewed the Applicant's proposed renovations, including the rear addition, prior to granting its approval.

3. The Board, in making its determination pursuant to 17-13-1107-C that a practical difficulty or particular hardship did exist, took into account that evidence was presented that: (1) the particular topographical condition of the specific property involved – namely, the historic nature of the Home– would result in particular hardship upon the Applicant if the strict letter of the regulations were carried out as the Applicant is otherwise entitled to an addition as of right under the standards of the RM-5 zoning district and were it not for Landmarks' request that any addition be (a) limited to the current height of the Home and (b) in the rear, the Applicant would not need the requested variation; (2) the condition of the historic Home is not applicable, generally, to other property in the RM-5 zoning district; (3) the purpose of the variation is not based exclusively upon a desire to make more money out of the property as the Applicant and her husband intend to live in the Home; (4) the historic nature of the Home has not been created by any person having an interest in the subject property; (5) the granting of the variation will not be detrimental to public welfare or injurious to other property as credibly testified to by Mr. Mahakali; 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 as very credibly testified to by Mr. Mahakali.

RESOLVED, the Board finds that the Applicant has sufficiently established by testimony and other evidence covering the specific criteria for a variation to be granted pursuant to Sections 17-13-1107- A, B and C of the Chicago Zoning Ordinance.

RESOLVED, the aforesaid variation application is hereby approved, 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.*).