

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

**APPLICANT:** Victoria Smith **CAL NO.:** 146-16-S  
**APPEARANCE FOR:** Rolando Acosta **MINUTES OF MEETING:**  
April 15, 2016  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 3924 N. Broadway

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a beauty salon/ barber shop.

**ACTION OF BOARD-**  
APPLICATION APPROVED

**THE VOTE**

JUN 01 2016  
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

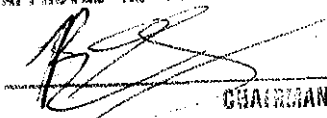
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 15, 2016, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 31, 2016; and

WHEREAS, the Zoning Board of Appeals, 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/ barber shop at the subject site; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject; 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: WHCP-N 2050 LLC

CAL NO.: 147-16-S

APPEARANCE FOR:

MINUTES OF MEETING:

April 15, 2016

APPEARANCE AGAINST:

PREMISES AFFECTED: 2050 N. Clark Street

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a six-story, thirty four dwelling unit residential building with 30 required on-site parking spaces on the ground level.

ACTION OF BOARD-  
CASE CONTINUED TO MAY 20, 2016

THE VOTE

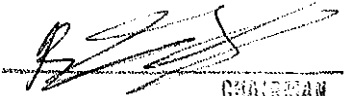
JUN 01 2016

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: WHCP-N 2050, LLC

CAL NO.: 148-16-Z

APPEARANCE FOR:

MINUTES OF MEETING:

April 15, 2016

APPEARANCE AGAINST:

PREMISES AFFECTED: 2050 N. Clark Street

NATURE OF REQUEST: Application for a variation to increase the maximum allowed building height from 60' to 66' for a six-story, thirty- four unit residential building with parking on the ground floor.

ACTION OF BOARD-  
CASE CONTINUED TO MAY 20, 2016

THE VOTE

AFIRMATIVE: NEGATIVE ABSENT

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

AFIRMATIVE:	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

JUN 01 2016  
CITY OF CHICAGO

RECEIVED AS TO APPEARANCE  
*[Signature]*

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

APPLICANT: WHCP-N 2050, LLC

CAL NO.: 149-16-Z

APPEARANCE FOR:

MINUTES OF MEETING:

April 15, 2016

APPEARANCE AGAINST:

PREMISES AFFECTED: 2050 N. Clark Street

NATURE OF REQUEST: Application for a variation to reduce the required rear west setback from 30' to 0' for a six-story, thirty-four dwelling unit residential building with parking on the ground floor.

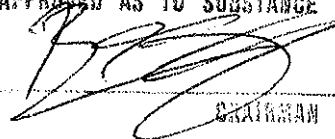
ACTION OF BOARD-  
CASE CONTINUED TO MAY 20, 2016

THE VOTE

JUN 01 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:

WHCP-N 2050 LLC

CAL NO.: 150-16-Z

APPEARANCE FOR:

MINUTES OF MEETING:

April 15, 2016

APPEARANCE AGAINST:

PREMISES AFFECTED:

2050 N. Clark Street

NATURE OF REQUEST: Application for a variation to reduce the required off street parking from thirty-four spaces to thirty for a six-story, thirty four dwelling unit residential building with thirty parking spaces on the ground floor.

ACTION OF BOARD-

CASE CONTINUED TO MAY 20, 2016

THE VOTE

JUN 01 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

*[Handwritten Signature]*  
CHIEF CLERK

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

APPLICANT: Golin Family Trust

CAL NO.: 151-16-A

APPEARANCE FOR:

MINUTES OF MEETING:

April 15, 2016

APPEARANCE AGAINST:

PREMISES AFFECTED: 1370 N. Milwaukee Avenue

NATURE OF REQUEST: Application for an appeal from the decision of the Office of the Zoning Administrator in refusing to allow the establishment of an off-premise advertising sign.

ACTION OF BOARD-  
CASE CONTINUED TO MAY 20, 2016

THE VOTE

JUN 01 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

*[Signature]*  
CHAIRMAN

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

**APPLICANT:** Industrial Metal Enterprise, Inc.

**CAL NO.:** 152-16-S

**APPEARANCE FOR:** Nick Ftikas

**MINUTES OF MEETING:**

April 15, 2016

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 901 N. Kilpatrick Avenue

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a Class IV A recycling facility.

**ACTION OF BOARD-**  
APPLICATION APPROVED

**THE VOTE**

JUN 01 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 April 15, 2016, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 31, 2016; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a Class IV A recycling facility; 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, layout and plans prepared by Axios Architects and Consultants Ltd., and dated March 28, 2013

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:** OOS Investments, LLC

**CAL NO.:** 155-16-A

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
April 15, 2016

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 770 N. Milwaukee Avenue

**NATURE OF REQUEST:** Application for an appeal from the decision of the Office of the Zoning Administrator in refusing to permit the establishment of an off premise sign.

**ACTION OF BOARD-**  
CASE CONTINUED TO MAY 20, 2016

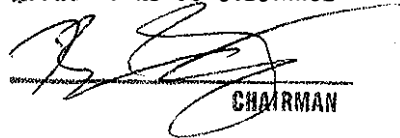
**THE VOTE**

JUN 01 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:** 1542 W Fry, LLC **CAL NO.:** 157-16-Z  
**APPEARANCE FOR:** Mark Kupiec **MINUTES OF MEETING:**  
April 15, 2016  
**APPEARANCE AGAINST:** George Blakemore  
**PREMISES AFFECTED:** 1542 W. Fry Street

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from 20'-6" to 8'-6" and to reduce the rear yard open space from the required 145 square feet to zero for a three-story, three dwelling unit building with a rear three-story open porch/deck and attached three car garage.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

JUN 01 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:**

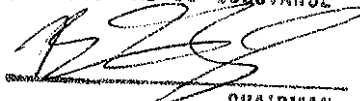
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 15, 2016, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 31, 2016; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; George Blakemore testified in opposition to the application for variation; the applicant shall be permitted to reduce the rear setback to 8'-6" and to reduce the rear yard open space from the required 145 square feet to zero for a three-story, three dwelling unit building with a rear three-story open porch/deck and attached 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:** Lakeshore Outdoor Advertising , Inc. **CAL NO.:** 158-16-S  
**APPEARANCE FOR:** Nick Ftikas **MINUTES OF MEETING:** April 15, 2016  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 841 W. Cermak Street

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of an off premise advertising sign.

**ACTION OF BOARD-**  
**APPLICATION APPROVED**

**THE VOTE**

JUN 01 2016  
 CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
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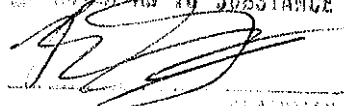
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 15, 2016 , after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 31, 2016; and

WHEREAS, the Zoning Board of Appeals, 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-premise advertising sign 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): The sign is installed and consistent with the wall attachment plans prepared by View Chicago LLC and dated July 14, 2015.

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:** One Via Inc. **CAL NO.:** 159-16-Z  
**APPEARANCE FOR:** Mark Kupiec **MINUTES OF MEETING:**  
 April 15, 2016  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 6717 W. Ardmore Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the minimum required front setback from 30' to 7.63'; the east setback from 6.29' to 5.40', the west setback from 6.29' to 3.75' for a total required side setback combination from 18.875' to 9.15' and to reduce the required rear setback from 23.38' to 3.24'; and to reduce the rear yard open space from 341.4 square feet to 165 square feet, for a front open porch, side open deck, second floor addition and an attached two-car private garage.

**ACTION OF BOARD-  
 VARIATION GRANTED**

**THE VOTE**

JUN 01 2016  
 CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
X		

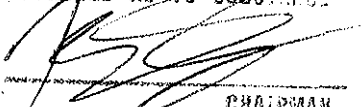
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 15, 2016, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 31, 2016; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the minimum required front setback to 7.63'; the east setback to 5.40', the west setback to 3.75' for a total required side setback combination to 9.15' and to reduce the required rear setback to 3.24'; and to reduce the rear yard open space to 165 square feet, for a front open porch, side open deck, second floor addition and an attached two-car private garage: an additional variation was also granted to the subject site in Cal. No. 160-16-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:** One Via Inc.

**CAL NO.:** 160-16-Z

**APPEARANCE FOR:** Mark Kupiec

**MINUTES OF MEETING:**

April 15, 2016

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 6717 W. Ardmore Avenue

**NATURE OF REQUEST:** Application for a variation to increase the maximum floor area ratio by not more than 0.6 (3,151.542 square feet) for a front open porch, side open deck, second floor addition and an attached two-car private garage.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

JUN 01 2016

CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
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X		

**THE RESOLUTION:**

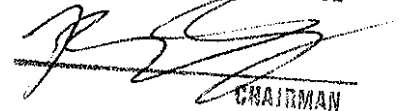
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 15, 2016, after due notice thereof as provided under Section 17-13-01 07B and by publication in the Chicago Sun-Times on March 31, 2016; and

WHEREAS, the Zoning Board of Appeals, 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 floor area ratio by not more than 0.6 (3,151.542 square feet) for a front open porch, side open deck, second floor addition and an attached two-car private garage; an additional variation for the subject site was also granted in Cal, No. 159-16-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:** Tim and Ann Morrison **CAL NO.:** 161-16-Z  
**APPEARANCE FOR:** Thomas Moore **MINUTES OF MEETING:**  
April 15, 2016  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 2245 West McLean Avenue

**NATURE OF REQUEST:** Application for a variation to increase the existing non-conforming floor area, not to exceed 15% of the 3,031.26 square feet to 3,475.58 square feet for a second floor addition; a rear, two-story addition and a rear open porch and stair system to access the garage roof deck.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

JUN 01 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 April 15, 2016, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 31, 2016; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to increase the existing non-conforming floor area, not to exceed 15% of the 3,031.26 square feet to 3,475.58 square feet for a second floor addition; a rear, two-story addition and a rear open porch and stair system to access the garage roof deck; an additional variation was also granted to the subject site on Cal. No. 162-16-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:** Tim and Ann Morrison **CAL NO.:** 162-16-Z  
**APPEARANCE FOR:** Thomas Moore **MINUTES OF MEETING:**  
April 15, 2016  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 2245 W. McLean Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the required front yard setback from 14.61' to 7.71'; the rear setback from 30' to 20.94'; the west setback to from 2.0' to 0.53" and the combined setback from 4.8' to 3.31' ( 2.78' on the east) and to allow 338.9 square feet of rear yard open space to be located on the garage roof deck (the remainder will be at grade) for a second floor addition; a rear two story addition and a rear open porch and stair system to access the garage roof deck.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
		X

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

JUN 01 2016

CITY OF CHICAGO

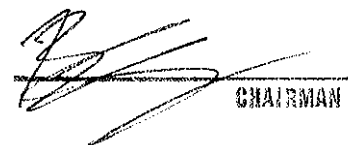
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 15, 2016 , after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 31, 2016; and

WHEREAS, the Zoning Board of Appeals, 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 front yard setback to 7.71'; the rear setback to 20.94'; the west setback to 0.53" and the combined setback to 3.31' ( 2.78' on the east) and to allow 338.9 square feet of rear yard open space to be located on the garage roof deck (the remainder will be at grade) for a second floor addition; a rear two story addition and a rear open porch and stair system to access the garage roof deck; an additional variation was also granted to the subject site in Cal. No. 161-16-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):

APPROVED AS TO SUBSTANCE

  
 CHAIRMAN

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

**APPLICANT:** Casper , Inc. (Matthew Gancarz) **CAL NO.:** 163-16-Z  
**APPEARANCE FOR:** Matthew Gancarz **MINUTES OF MEETING:** April 15, 2016  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 3246-48 N. Central Avenue

**NATURE OF REQUEST:** Application for a variation for the approval of the establishment of a public place of amusement license for an existing restaurant which is located within 125' of an RS-2 (Residential Zoning District).

**ACTION OF BOARD-  
 VARIATION GRANTED**

**THE VOTE**

JUN 01 2016  
 CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
RECUSED		
X		

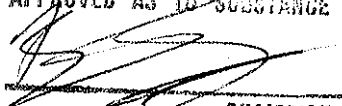
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 15, 2016, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 31, 2016; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a public place of amusement license for an existing restaurant which is located within 125' of a residential zoning 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:** HACM 2, LLC - Washtenaw Series **CAL NO.:** 164-16-Z  
**APPEARANCE FOR:** William Banks **MINUTES OF MEETING:**  
 April 15, 2016  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 2619-21 N. Washtenaw Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the required south setback from 2' to 0.14' (the north setback to be 0.71'); for a total side yard combination from 5' to 0.85' for the sub-division of one zoning lot into two zoning lots measuring 25' x 125.87'; the existing two story, two dwelling unit building at 2621 N. Washtenaw will remain.

**ACTION OF BOARD-  
 VARIATION GRANTED**

**THE VOTE**

JUN 01 2016  
 CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
		X

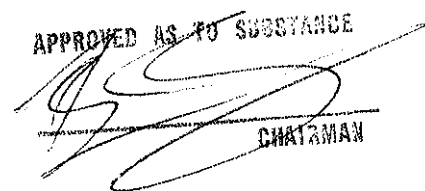
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 15, 2016, after due notice thereof as provided under Section 17-13-01.07B and by publication in the Chicago Sun-Times on March 31, 2016; and

WHEREAS, the Zoning Board of Appeals, 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 south setback to 0.14' (the north setback to be 0.71'); for a total side yard combination from 5' to 0.85' for the sub-division of one zoning lot into two zoning lots measuring 25' x 125.87'; the existing two story, two dwelling unit building at 2621 N. Washtenaw will remain; 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:** Oxford Lawrence, LLC **CAL NO.:** 165-16-S  
**APPEARANCE FOR:** Nick Ftikas **MINUTES OF MEETING:**  
April 15, 2016  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 2208 W. Lawrence Avenue

**NATURE OF REQUEST:** Application for a special use to permit the establishment of six off-site parking spaces to serve the proposed residential units in an existing building at 2200 W. Lawrence Avenue.

**ACTION OF BOARD-**  
APPLICATION APPROVED

**THE VOTE**

JUN 01 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 April 15, 2016, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 31, 2016; and

WHEREAS, the Zoning Board of Appeals, 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 six off-site parking spaces to serve the proposed residential units in an existing building at 2200 W. Lawrence 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): The development is consistent with the layout and plans prepared by Kwang Kim Architects and dated October 16, 2015.

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

APPROVED AS TO SUBSTANCE  
*[Signature]*  
CHAIRMAN

**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

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



JUN 22 2016  
CITY OF CHICAGO

**Raymond T. DeGrazia & Laura Sheehan**

APPLICANTS

**166-16-Z**

CALENDAR NUMBER

**638 W. 37th Street**

PREMISES AFFECTED

**April 15, 2016**

HEARING DATE

**Amy Kurson**

APPEARANCE FOR APPLICANT

**David Ruskin**

APPEARANCE FOR OBJECTORS

**NATURE OF REQUEST**

Application for a variation to reduce the west side setback from 2' to 1.8' (east setback to be at 3') for the reduction of the total combined setback from 5' to 4.8' for a two-story single-family residence with a roof deck, open porch, open deck and roof top stairway enclosure.

**ACTION OF BOARD**

**THE VOTE**

The application for a variation is approved.

	APPROVE	DENY	ABSENT
Blake Sercye, Chairmain	<input type="checkbox"/>	<input checked="" 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 April 15, 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 for vote on May 20, 2016 by absent Board members pursuant to 65 ILCS 5/11-13-3(e), without further notice as provided under Section 17-13-0108-A of this Zoning Ordinance; and

WHEREAS, Ms. Amy Kurson, counsel for the Applicants, requested leave to amend the application to either change the Applicant from Mr. Raymond DeGrazia to Ms. Laura Sheehan or, in the alternative, allow Mr. Raymond DeGrazia and Ms. Laura Sheehan to be co-Applicants; and

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

WHEREAS, the Board caused the record to reflect that Mr. Raymond DeGrazia and Ms. Laura Sheehan were now co-Applicants; and

WHEREAS, Ms. Kurson then requested leave to amend the application to change the relief requested; that the Applicants' original survey showed that the Applicants' home was built 2.5" into the west side setback; that, however, it could be argued that the Applicants' home was built 4 ¾" into the west side setback; and

WHEREAS, Mr. David Ruskin, counsel for Ms. Sheila Ryan and Mr. William Boyle ("Objectors"), objected to this request; that he had already stated he was not fully prepared to put on his case-in-chief as he could not bring the witnesses he wanted to bring; that it was one thing to change the Applicant as the subject property has been sold but quite another to allow the relief requested to be changed to even greater relief; and

WHEREAS, Ms. Kurson stated that if the Board refused to allow the amendment, the Applicant would proceed with its original request for relief; and

WHEREAS, the Board inquired if Objectors' counsel had seen the survey that showed that the home was built 2.5" into the west side setback; and

WHEREAS, Ms. Kurson confirmed that Objectors' counsel had seen said survey; and

WHEREAS, the Board determined that the Applicant would proceed under the original relief requested; and

WHEREAS, Ms. Kurson then began her case-in-chief; and

WHEREAS, Mr. Raymond DeGrazia, one of the Applicants, testified on behalf of the Applicants; that there is an existing home on the subject property; that he understands that he should have asked for a variation before the home was built; that when he built the home, he did not know it was in the setback; that the walls and roof of the home were already up when he was notified the home was encroaching into the setback; that to fix the problem, he would have to tear down the whole home; that at the time the application was filed, he believed the home went 2.5" inches into the setback; that he hoped the Board would grant relief for an honest mistake; that the mistake began when his cement contractor poured the foundation; that if he had to tear down the whole home, he would not be able to get a reasonable economic return on the property; and

WHEREAS, Ms. Laura Sheehan, one of the Applicants, testified on behalf of the Applicants; that she purchased the home in January 2016; that she currently lives in the home with her family; that she was under contract to purchase the home in March 2015; that she did not know of the home's encroachment into the setback until October 2015; that by the time she found out about the encroachment, she was emotionally and financially invested in the home as the home was at that time 80% complete; that she had put down a lot of money to ensure the house was constructed; that if the Board denied her

request for a variation, it would be devastating; that she did not create the problem of the home's encroachment into the setback; that her efforts to have the variation granted are not simply motivated by a desire to make money; that she could be subject to \$5,000 a day in fines from the City; that she would like to have her home legalized; that she cannot afford \$5,000 a day in penalties; that she then testified as to the neighborhood surrounding the subject property; that the home, even encroaching into the west side setback, is compatible with other homes on the block; and

WHEREAS, Mr. Eric Cox, the Applicants' surveyor, testified on behalf of the Applicants; that in the original survey submitted with the Applicants' application, the encroachment of the home into the west side setback is approximately 2.5" at the front of the home; that in the rear of the home, the home's encroachment into the west side setback is 1 ¼"; that he then testified as to how he came to the conclusion that the encroachment of the home was 1.8" from the west property line of the subject property; that he followed the standard practice of surveyors; that the neighboring house next west to the subject property encroaches into the property line of the subject property; and

WHEREAS, Ms. Hugh Edfors, the Applicants' appraiser, testified on behalf of the Applicants; that the home, despite encroaching into the west side setback, does not reduce the value of other homes in the neighborhood; that it does not reduce the value of the house next west to the subject property; that while there is a minimal reduction of air and light to the house next west, there is no impairment of the adequacy of the air and light or ventilation due to the home on the subject property; that the home on the subject property is about two stories high; that the home on the subject property is not a midrise or a high rise; that had the home on the subject property been built 2.5" further away from the property next west, the property next west would not be worth more money; that the home in its present location on the subject property fits in with the character of the neighborhood; that the neighborhood is changing and the home on the subject property fits in with the new construction trend; that the new construction trend in the neighborhood is raising property values as the new homes bring up the values of the existing homes, rather than detracting from them; that the neighboring property values are theoretically increased by having the new construction on the subject property; that again, the reduction of air and light to the house next west is very minimal; and

WHEREAS, Mr. Jose Torres, the Applicants' fire safety expert, testified on behalf of the Applicants'; that if the Board were to legalize the placement of the home on the subject property, the variation would not increase the danger of fire; that the 2.5" mistake does not make it more difficult to fight fires between the home on the subject property and the house on the property next west; that he then described how a firefighter would approach putting out a fire at a bungalow; that the granting of the variation would also not otherwise endanger the public safety; and

WHEREAS, in response to questions by the Board, Ms. Sheehan testified that she was aware of the issue of the home encroaching into the setback when she purchased the home; that she became aware of the issue in October 2015, at which time the home was essentially done as the cabinets and flooring were installed; and

WHEREAS, in response to further questions by the Board, Mr. Anthony DeGrazia testified on behalf of the Applicants; that the construction of the home was partially financed from a bank and partially financed from the Sheehans paying the contractors directly as earnest money towards the home; that the Sheehans had already spent \$80,000 on the home; that he and his uncle, Raymond DeGrazia, had no choice but to allow the Sheehans to close on the home; that the DeGrazias could not just refund the Sheehans the money as there was not enough money to construct the home with conventional financing; that instead, the home was built with a combination of equity from a presale and a buyer; that this presale happened 6 months prior to any construction on the home; that he was not notified until September 2015 that there was a problem with where the home was placed on the subject property; and

WHEREAS, in response to further questions by the Board, Mr. Anthony DeGrazia testified the prior to construction, the subject property was staked and marked; that the home of the neighbor next west to the subject property, that is to say Mrs. Ryan's home, is not built straight which is a problem; that the concrete contractor measured from the back of the subject property rather than the front; that this is unfortunate; that at the time the foundation was poured, he and his uncle believed the foundation was set at 24" (2') from the west property line; that Mrs. Ryan was upset back in April or May 2015; that Mrs. Ryan just did not like the home being built on the subject property; that he explained to her his belief that her home was encroaching on the subject property; that the overhang of Mrs. Ryan's home is 1' 8" onto the subject property based on Mr. Cox's survey; that the overhang is recorded against title; that he explained this to Mrs. Ryan and offered to create an easement so that Mrs. Ryan would have an easier time selling her home; that he also offered to put in new windows for Mrs. Ryan; that he tried to make things a bit easier on Mrs. Ryan as he knew she did not like the Applicants' home; and

WHEREAS, in response to further questions by the Board, Mr. Anthony DeGrazia testified that there was pending litigation between the DeGrazia's LLC and the immediate neighbors of the subject property; and

WHEREAS, Mr. Ruskin was then granted leave to cross-examine the witnesses; and

WHEREAS, Mr. Anthony DeGrazia further testified that he was overseeing the pouring of the concrete; that he authorized the concrete contractors to pour; that he authorized the concrete contractors to adhere to the crosses the surveyor made in the parkway and in the alley; that the concrete contractors were to pour 2' from the west property line; that this is because the setback requirement is 2'; that he was not aware there was a problem with the foundation until he received a call from Mr. Boyle's wife at the end of the summer of 2015; that Mrs. Ryan was upset as early as April or May with respect to the home on the subject property; that he felt at the time that the placement of the home on the subject property was as of right; that while he knew Mrs. Ryan's home was encroaching on the subject property, he was not aware the home on the subject property was encroaching into the west side setback until after the roof had gone up; that when he measured from the back, the foundation of the Applicants' home was less than a

¼” from the 2’ requirement; that as Mrs. Ryan’s home is not built straight, the home on the subject property encroaches 2.5” into the setback at the front of the property; and

WHEREAS, Mr. Cox further testified that his survey as done in August 2015; that he was aware that there was a prior survey done for the subject property; that he did a new survey because the prior survey showed no monuments and no corners; and

WHEREAS, in response to questions by the Board, Mr. Anthony DeGrazia further testified that he did not order a survey until he knew there was a problem; that he ordered the benchmarks made upon the subject property; that this is typical in construction; that he would then get an as-built survey after the home was constructed to provide to the homeowner; that the purpose of ordering Mr. Cox’s survey was to prove that Mrs. Ryan’s home was encroaching on the subject property; that he was unsure as to when he ordered the benchmark survey to allow for the concrete to be poured; that there had been a prior survey for the subject property that had been provided to him by the seller of the subject property; that the DeGrazias relied upon that when submitting the building permit for the home; and

WHEREAS, Mr. Anthony DeGrazia further testified that the new survey by Mr. Cox was ordered because of the issues raised by the City’s Department of Buildings (“Buildings”); that he had had a meeting with the Commissioner of Buildings and that there was briefly a stop work order on the home; that he never received paperwork that said stop work but a tag was briefly put on the home at the end of August or early September; that at this point, the roof of the home was already on; that the tag was lifted after the DeGrazias had further meetings with the Commissioner of Buildings and City attorneys; that the Commissioner of Buildings and City attorneys were of the opinion that the DeGrazias be allowed to finish construction; that he does not remember the exact dates of these meetings but one was in October; that he reached out to Mrs. Ryan’s prior counsel to try and resolve the issue of the home in a reasonable manner; that the Commissioner of Buildings felt the DeGrazias were trying to be fair; that, again, he was not aware of the setback issue before the roof of the home went up; and

WHEREAS, Ms. Sheehan further testified that she purchased the home in January 2016; that had the home been built 2.5” further east, she would have purchased the property; that she supposed she would have paid the same price for the home had it not been encroaching in the west side setback; that she is not aware of any unique characteristics of the subject property that would cause problems with the home being built 2.5” further east and out of the setback; that there are many homes in the neighborhood that are built in such a manner so there is no access between the homes; that her family lives around the corner at 3637 S. Lowe; that there is absolutely no gangway at that address; that there are numerous other homes without gangways in the neighborhood; that she could provide pictures if necessary; and

WHEREAS, Mr. Anthony DeGrazia further testified it was his intention to build the home 24” from the west property line; that it was a regrettable error; that his uncle Raymond DeGrazia owns the home on the east side of the subject property; and

WHEREAS, Mr. Raymond DeGrazia further testified that the home on the subject property could have been moved two inches to the east; and

WHEREAS, Mr. Anthony DeGrazia further testified that the home on the subject property could have been moved prior to construction; at the time the DeGrazias were notified of the problem, the home could not have been moved; that no one had the money to tear the home down and rebuild it 2.5" over; that tearing down the wall and replacing the wall would cost more than tearing down the home and rebuilding it; and

WHEREAS, Mr. Ruskin then began his case-in-chief; and

WHEREAS, Mrs. Sheila Ryan, of 640 W. 37<sup>th</sup> Street, testified in opposition to the application; that she has resided at 640 W. 37<sup>th</sup> Street for 74 years; that 640 W. 37<sup>th</sup> Street is the home next west to the subject property; that originally she was quite happy about the home being built next to her; that she was happy because she believed one home would be built next to her not two; that she is not exactly sure when construction on the home on the subject property started but it would have been after the April 2015 election; that the concrete for the foundation would have been poured shortly after that; that she spoke with Mr. Anthony DeGrazia shortly thereafter and told him the foundation had been poured too close; that Mr. Anthony DeGrazia told her that her home was encroaching on the subject property by 8"; that she had no recourse and told her nephew Mr. William Boyle; that she is not sure exactly what her nephew did but ultimately a lawsuit was filed in the Circuit Court of Cook County against the DeGrazias; that this was in October 2015; that on the east side of her home, there are 6 windows; that these 6 windows are in 3 bedrooms; that the home on the subject property is too close and that while there might be a shade of light in those bedrooms, one has to turn on an electric light if one wants to be in any of those rooms; that Mr. DeGrazia offered to put in a skylight for her, but she does not want a skylight; that she has no ability to get out of her house because the home on the subject property is too close to her house; that there is one window in the back of her home she could perhaps get out of; that there is no way a person could comfortably walk between her home and the home on the subject property; that in the neighborhood all the homes are pretty close but as far as her view, it is not good and she is not enjoying it; and

WHEREAS, in response to questions by the Board, Mrs. Ryan further testified that based on what originally was on the subject property, she did not believe there was enough room for two homes on the subject property; and

WHEREAS, Mr. William Boyle, of 3723 S. Lowe, testified in objection to the application; that he can see the home on the subject property as well as Mrs. Ryan's home from his front door; that he has lived in the neighborhood for 16 years; that Mrs. Ryan is his aunt; that he is a certified real estate appraiser and has been a certified real estate appraiser since 1994; that he has appraised residential homes in this particular neighborhood; that he received a call from his aunt that the foundation was being poured on the subject property; that the day the foundation had been poured, he went out and

measured the distance between the southeast corner of his aunt's home and the southwest corner of foundation with a tape measure; that the distance was 17"; that he then called the phone number listed on the building permit; that he first spoke to Mr. Barry who was listed as the general contactor on the permit; that Mr. Barry stated that Mrs. Ryan's home was 8" over the lot line; that he would send Mr. Boyle a survey; that he never heard back from Mr. Barry; that he believed the foundation had been poured in May and believed this conversation would have been a few days after; that he continued to call Mr. Barry; that he then began to call the City's 311 line to lodge complaints; that in August, he received an email from Mr. Anthony DeGrazia; that he then spoke to Mr. Anthony DeGrazia; that he was shown the survey Mr. Cox had done and Mr. DeGrazia stated that Mrs. Ryan's home was encroaching over the property line and that the home on the subject property was not in the setback; that Mr. Boyle disputed this and stated that it was his belief Mr. Anthony DeGrazia had built the home in the west side setback; that he continued to call the City's 311 line; that the City took no action until the lawsuit was filed; and

WHEREAS, Mr. Boyle further testified that the home on the subject property alters the character of the neighborhood because it sets a precedent that one can build on top of one's neighbors; that there is no way to get from the front to the back; that there is no air flow; and

WHEREAS, Ms. Kurson was given leave to redirect Mr. Anthony DeGrazia; that Mr. Anthony DeGrazia further testified that he did not hear from Mr. Barry until August; that while he did have a brief conversation with Mr. Boyle, he was waiting for the survey; that he received a call from Mr. Boyle's wife asking for the survey; that he then sent her the survey; that he thought at this point the setback encroachment would be cordially worked out; and

WHEREAS, in response to questions by the Board, Ms. Kurson explained that the homeowner, as one of the co-Applicants, did not create the hardship; that the other co-Applicant, the contractor, did not create the hardship either as it was a mistake of one of the subcontractors; that Mr. Raymond DeGrazia did not pour the concrete; that he did not know the home was encroaching in the setback until the roof had been put on the home; and

WHEREAS, in response to further questions by the Board, Mr. Anthony DeGrazia further testified as to his meetings with the Commissioner of Buildings; that after Mrs. Ryan filed her lawsuit, he tried to work out a settlement; that had he known about the setback encroachment, he could have moved the home 6" further east; that he is hopeful the Board will grant the variation so the home can come into compliance; and

WHEREAS, Mr. George Blakemore testified in objection to the application; 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 Applicants' application for variation:

1. The Board finds pursuant to Section 17-13-1107-A that the Applicants have proved their 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 because the home would need to be torn down. Further, the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance as this Zoning Ordinance.
2. The Board finds pursuant to Section 17-13-1107-B that the Applicant have proved 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 the Applicants would need to either tear down the home or tear down the wall, both of which the Applicants cannot afford to do; (2) the practical difficulty or particular hardship of the property – namely, the fact the home is already built in the setback – is due to the unique circumstances of the foundation mistakenly being poured a few inches off and thus poured into the west side setback, and the mistake not being noticed until after the roof and walls of the home were up -- 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 the homes in the neighborhood are built quite close together as testified to by Mr. Edfors, Ms. Sheehan and even Mrs. Ryan.
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 home is already built in the setback – would result in particular hardship upon the Applicants if the strict letter of the regulations were carried out; (2) the mistakenly poured foundation and home built thereon are not applicable, generally, to other property in the RS-3 zoning district; (3) the purpose of the variation is not based exclusively upon a desire to make more money out of the property as Ms. Sheehan testified that she would have paid the same price had the home been built outside of the west side setback; (4) the mistakenly poured foundation and the home built thereon were not created by any person having an interest in the subject property as the mistakenly poured foundation was not poured by either of the DeGrazias or Ms. Sheehan; (5) the granting of the variation will not be detrimental to public welfare or injurious to other property as testified to by Mr. Edfors; 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 testified to by Mr. Edfors.

RESOLVED, the Board finds that the Applicants have 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:** ForteRoyal, Ltd. **CAL NO.:** 167-16-Z  
**APPEARANCE FOR:** Mark Kupiec **MINUTES OF MEETING:**  
April 15, 2016  
**APPEARANCE AGAINST:** George Blakemore  
**PREMISES AFFECTED:** 3717 N. Ashland Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the rear yard setback from 30' to 22' for a rear open stair and landing exceeding 6' in height to access the roof deck on the existing garage.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

JUN 01 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 April 15, 2016, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 31, 2016; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; George Blakemore testified in objection to the application for variation; the applicant shall be permitted to reduce the rear yard setback to 22' for a rear open stair and landing exceeding 6' in height to access the roof deck on 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:** Justin Small **CAL NO.:** 168-16-Z  
**APPEARANCE FOR:** Thomas Moore **MINUTES OF MEETING:**  
April 15, 2016  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 2922 N. Sheffield

**NATURE OF REQUEST:** Application for a variation to reduce the required rear setback from 36'-9" to 21'-4" for an open stair/bridge that exceeds 6' in height to access a rooftop deck which will provide the rear yard open space for the subject site.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

JUN 01 2016  
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
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X		

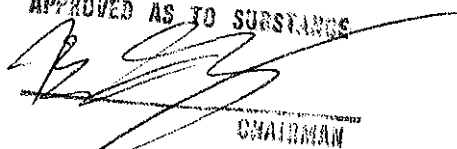
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 15, 2016, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 31, 2016; and

WHEREAS, the Zoning Board of Appeals, 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 rear setback from 36'-9" to 21'-4" for an open stair/bridge that exceeds 6' in height to access a rooftop deck which will provide the rear yard open space for the subject site; 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:** Urban Holiday, LLC **CAL NO.:** 169-16-S  
**APPEARANCE FOR:** Nick Ftikas **MINUTES OF MEETING:**  
April 15, 2016  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 312 W. Chestnut

**NATURE OF REQUEST:** Application for a special use to expand an existing forty-six room hotel by six rooms for a total of fifty-two rooms.

**ACTION OF BOARD-**  
APPLICATION APPROVED

**THE VOTE**

**JUN 01 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

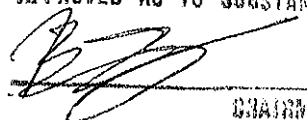
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 15, 2016, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 31, 2016; and

WHEREAS, the Zoning Board of Appeals, 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 hotel with an addition of six rooms; the total number of rooms for the newly expanded hotel will be fifty-two; a variation was also granted to the subject site to reduce the required off-street parking in Cal. No. 170-16-Z; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject; 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, layout and plans prepared by Bugaj Architects and dated August 12, 2015.

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:** Urban Holiday, LLC **CAL NO.:** 170-16-Z  
**APPEARANCE FOR:** Nick Ftikas **MINUTES OF MEETING:**  
April 15, 2016  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 312 W. Chestnut Street

**NATURE OF REQUEST:** Application for a variation to reduce the required off-street parking to serve a fifty-two room hotel from eight parking spaces to zero. The subject site qualifies as a transit served location.

**ACTION OF BOARD-**  
**VARIATION GRANTED**

**THE VOTE**

**JUN 01 2016**  
**CITY OF CHICAGO**

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

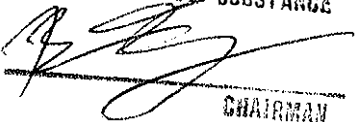
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 15, 2016, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 31, 2016; and

WHEREAS, the Zoning Board of Appeals, 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 from eight for the newly expanded hotel (Cal. No.169-16-S) to zero; the subject site qualifies as a transit served location due to its proximity to public transportation; 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:** Elizabeth Finan **CAL NO.:** 171-16-Z  
**APPEARANCE FOR:** John Pikarski **MINUTES OF MEETING:**  
April 15, 2016  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 3410 N. Halsted Street

**NATURE OF REQUEST:** Application for a variation to reduce the minimum lot area to no less than 90% of the required 3,000 square feet to 2,928 square feet for a four-story, three dwelling unit building with ground floor office/retail space and three on-site parking spaces

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

JUN 01 2016

CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
		X
X		

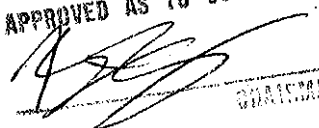
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 15, 2016, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 31, 2016; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the minimum lot area to no less than 90% of the required 3,000 square feet to 2,928 square feet for a four-story, three dwelling unit building with ground floor office/retail space and three 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:** Jack Wdowikowski **CAL NO.:** 172-16-Z  
**APPEARANCE FOR:** Nick Ftikas **MINUTES OF MEETING:**  
 April 15, 2016  
**APPEARANCE AGAINST:** George Blakemore  
**PREMISES AFFECTED:** 7109 W. Schreiber Avenue

**NATURE OF REQUEST:** Application for a variation to permit an existing dwelling unit in a converted single-family residence, for a total of two-dwelling units. Total number of units may not exceed more than one unit above the buildings original construction.

**ACTION OF BOARD-  
 VARIATION GRANTED**

**THE VOTE**

JUN 01 2016  
 CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
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X		
		X
X		

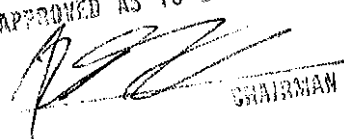
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 15, 2016, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 31, 2016; and

WHEREAS, the Zoning Board of Appeals, 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 add an additional dwelling unit to an existing single family residence that has been converted to a 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:** Comet Development 1 LLC **CAL NO.:** 174-16-S  
**APPEARANCE FOR:** Sara Barnes **MINUTES OF MEETING:**  
 April 15, 2016  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 2432 W. Chicago Avenue

**NATURE OF REQUEST:** Application for a special use to permit the establishment of a residential use below the second floor, for a three-story, five-dwelling unit building with a roof top deck and rooftop stair enclosure and a detached five-car garage with a roof top deck and open stair access.

**ACTION OF BOARD-**  
**APPLICATION APPROVED**

**THE VOTE**

JUN 01 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 April 15, 2016, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 31, 2016; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a residential use below the second floor, for a three-story, five-dwelling unit building with a roof top deck and rooftop stair enclosure and a detached five-car garage with a roof top deck and open stair access; additional variations were also granted to the subject site in Cal. Nos. 175-16-Z and 176-16-Z; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject; 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, layout, materials and plans prepared by Hanna Architects Inc., and dated December 9, 2015.

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:** Comet Development 1 LLC **CAL NO.:** 175-16-Z  
**APPEARANCE FOR:** Sara Barnes **MINUTES OF MEETING:**  
April 15, 2016  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 2432 W. Chicago Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the required rear setback from 30' to 21.5' for a three-story, five dwelling unit building with a rooftop deck and roof top stair enclosure and a detached five car garage with a rooftop deck and stair access.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

JUN 01 2016

CITY OF CHICAGO

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

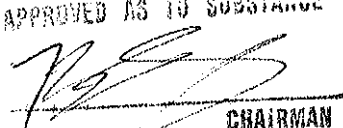
AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 15, 2016, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 31, 2016; and

WHEREAS, the Zoning Board of Appeals, 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 rear setback to 21.5' for a three-story, five dwelling unit building with a rooftop deck and roof top stair enclosure and a detached five car garage with a rooftop deck and stair access; a special use was also granted to the subject site to establish a residential use below the second floor in Cal. No. 174-16-S; an additional variation was also granted in Cal No. 176-16-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):

APPROVED AS TO SUBSTANCE  
  
 CHAIRMAN

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

**APPLICANT:** Comet Development 1, LLC **CAL NO.:** 176-16-Z  
**APPEARANCE FOR:** Sara Barnes **MINUTES OF MEETING:**  
April 15, 2016  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 2432 W. Chicago Avenue

**NATURE OF REQUEST:** Application for a variation to increase the allowable square footage of an accessory building by not more than 10% of what is permitted from 756 square feet to 819 square feet.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

JUN 01 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 April 15, 2016, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 31, 2016; and

WHEREAS, the Zoning Board of Appeals, 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 allowable square footage of an accessory building by not more than 10% of what is permitted from 756 square feet to 819 square feet; an a special use was granted to the subject site in Cal. No. 174-16-S as well as a variation in Cal. No. 175-16-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.

*[Signature]*  
CHAIRMAN

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

**APPLICANT:** Comet Development 1, LLC **CAL NO.:** 177-16-Z  
**APPEARANCE FOR:** Sara Barnes **MINUTES OF MEETING:**  
April 15, 2016  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 2112 N. Oakley Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the north setback from 2' to 0', (south to be 2.5'), reduce the combined side setback from 4.8' to 2.5', reduce the rear setback from 28' to 21' for a two-story single-family residence, roof top stairway enclosure, roof deck, rear open deck and an attached, two-car private garage with a roof deck which will contain the relocated 225 square feet of rear yard open space.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

JUN 01 2016  
CITY OF CHICAGO

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

APPROPRIATE	NEGATIVE	ABSENT
X		
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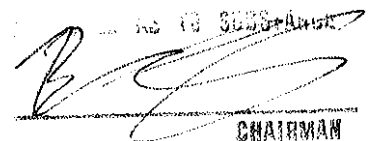
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 15, 2016, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 31, 2016; and

WHEREAS, the Zoning Board of Appeals, 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', (south to be 2.5'), reduce the combined side setback to 2.5', reduce the rear setback to 21' for a two-story single-family residence, roof top stairway enclosure, roof deck, rear open deck and an attached, two-car private garage with a roof deck which will contain the relocated 225 square feet of 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.

  
 CHAIRMAN

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

**APPLICANT:** Evans Street, LLC **CAL NO.:** 178-16-S  
**APPEARANCE FOR:** Richard Velazquez **MINUTES OF MEETING:**  
April 15, 2016  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1519 W. 18th Street

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a liquor store on the 1st floor of an existing building.

**ACTION OF BOARD-**  
APPLICATION APPROVED

**THE VOTE**

JUN 01 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 April 15, 2016, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 31, 2016; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a liquor store on the first floor of an 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; 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, layout and plans prepared by Studio ARQ and dated July 13, 2015.

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:** Dearborn Developers, LLC **CAL NO.:** 179-16-Z  
**APPEARANCE FOR:** Sara Barnes **MINUTES OF MEETING:**  
April 15, 2016  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 2240 N. Milwaukee Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the rear yard setback from 35' to 12.03' for a six-story mixed use building, with retail space at grade level, thirty-eight dwelling units.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

JUN 01 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 April 15, 2016, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 31, 2016; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear yard setback to 12.03' for a six-story mixed use building, with retail space at grade level, thirty-eight 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.

APPROVED AS TO SUBSTANCE  
*[Signature]*  
CHAIRMAN

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

**APPLICANT:**

Dearborn Developers, LLC

**CAL NO.:** 180-16-Z

**APPEARANCE FOR:**

**MINUTES OF MEETING:**

April 15, 2016

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:**

2240 N. Milwaukee Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval of the establishment of to reduce the required off street parking from the required thirty-eight parking spaces to thirty parking spaces for a six-story mixed use retail building with 38 dwelling units alone and thirty indoor parking spaces.

**ACTION OF BOARD-**

WITHDRAWN ON MOTION OF THE APPLICANT

**THE VOTE**

JUN 01 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: Denny Development, LLC

CAL NO.: 181-16-Z

APPEARANCE FOR:

MINUTES OF MEETING:

April 15, 2016

APPEARANCE AGAINST:

PREMISES AFFECTED: 3423 N. Hamilton Avenue

NATURE OF REQUEST: Application for a variation to reduce the required rear setback from 34.72' to 2.33', the north setback from 2' to zero (south setback to be 2'), the total combined side setback from 5' to 2' for a detached two-car private garage with roof deck, an attached fireplace and one open stairwell providing access to the garage roof deck.

ACTION OF BOARD-  
CASE CONTINUED TO JUNE 17, 2016

THE VOTE

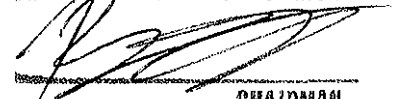
JUN 01 2016

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:

Maria T. Hernandez

CAL NO.: 182-16-Z

APPEARANCE FOR:

MINUTES OF MEETING:

April 15, 2016

APPEARANCE AGAINST:

PREMISES AFFECTED:

1859 W. Dickens Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval of the establishment of to reduce the required rear setback from 37.5' to 22.46' for a new detached two-car private garage with roof deck and one stairwell providing access to the roof deck.

ACTION OF BOARD-

DISMISSED FOR WANT OF PROSECUTION

THE VOTE

JUN 01 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:** Michael Kowalczyk **CAL NO.:** 183-16-Z  
**APPEARANCE FOR:** Mark Kupiec **MINUTES OF MEETING:**  
April 15, 2016  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 2912 N. Rutherford Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the front setback from the required 40.45' to 20.25' for a second floor porch and balcony with roof for the existing 2-story single-family residence.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

JUN 01 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:**

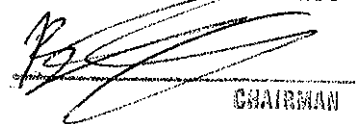
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 15, 2016, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 31, 2016; and

WHEREAS, the Zoning Board of Appeals, 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 20.25' for a second floor porch and balcony with roof for the existing 2-story single-family residence; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

  
CHAIRMAN

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

**APPLICANT:** Replay Andersonville, Inc. **CAL NO.:** 184-16-Z  
**APPEARANCE FOR:** Thomas Moore **MINUTES OF MEETING:**  
 April 15, 2016  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 5356-58 N. Clark Street

**NATURE OF REQUEST:** Application for a variation for the establishment of a public place of amusement license, within an existing restaurant which is within 125' of an RS-3 Residential Zoning District ; applicant will provide live entertainment, music, dj , games and a cover charge.

**ACTION OF BOARD-  
 VARIATION GRANTED**

**THE VOTE**

JUN 01 2016  
 CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
RECUSED		
X		

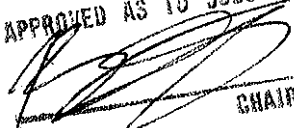
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 15, 2016 , after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 31, 2016; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a public place of amusement license to serve an existing restaurant; the applicant testified that the PPA license is needed so that he can offer activities to his customers that will help him remain competitive with other uses in the are; 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:** Nits N Nats **CAL NO.:** 185-16-S  
**APPEARANCE FOR:** Fidaim Qorri **MINUTES OF MEETING:**  
April 15, 2016  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 7253 W. Touhy Avenue

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a beauty salon/ barber shop.

**ACTION OF BOARD-**  
APPLICATION APPROVED

**THE VOTE**

JUN 01 2016  
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
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X		

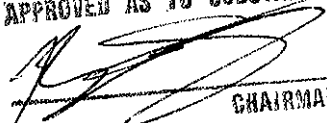
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 15, 2016, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 31, 2016; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant in this matter testified that he does not provide typical hair care services; the service that is provided is lice removal; the applicant shall be permitted to establish beauty salon /barber shop at the subject site; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject; 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:** Michael and Soyyun Chung **CAL NO.:** 186-16-Z  
**APPEARANCE FOR:** Thomas Moore **MINUTES OF MEETING:**  
 April 15, 2016  
**APPEARANCE AGAINST:** George Blakemore  
**PREMISES AFFECTED:** 2910 W. Palmer Street

**NATURE OF REQUEST:** Application for a variation to reduce the front building line setback from 20' to 8.58 for a 9' high steel pergola on top of an existing roof deck of a three-story, two-dwelling unit building.

**ACTION OF BOARD-  
 VARIATION GRANTED**

**THE VOTE**

JUN 01 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 April 15, 2016, after due notice thereof as provided under Section 17-13-01 07B and by publication in the Chicago Sun-Times on March 31, 2016; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; George Blakemore testified in objection to the application for variation; the applicant shall be permitted to reduce the front building line setback from 20' to 8.58 for a 9' high steel pergola on top of an existing roof deck of a three-story, two-dwelling unit building; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE  
  
 CHAIRMAN

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

APPLICANT:

Jose Rojas

CAL NO.: 187-16-Z

APPEARANCE FOR:

MINUTES OF MEETING:

April 15, 2016

APPEARANCE AGAINST:

PREMISES AFFECTED:

4856 S. Paulina Street

NATURE OF REQUEST: Application for a variation to reduce the front setback from 10.29' to 4.28'; for an open secondary spiral staircase onto an existing two-story, four-dwelling unit building.

ACTION OF BOARD-  
DISMISSED FOR WANT OF PROSECUTION

THE VOTE

JUN 01 2016

CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

3-3 63

APPROVED AS TO SUBSTANCE

*[Signature]*  
CHAIRMAN

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

**APPLICANT:** Denny Development **CAL NO.:** 188-16-Z  
**APPEARANCE FOR:** Thomas Moore **MINUTES OF MEETING:**  
April 15, 2016  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1924 W. Patterson Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from 34.99' to 3', the east setback from 2.4' to zero, (west setback to be 2.0') and to reduce the total side yard setback combination from 6' to 2' for a proposed detached two-car garage with roof deck.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

JUN 01 2016

CITY OF CHICAGO

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

	AFFIRMATIVE	NEGATIVE	ABSENT
BLAKE SERCYE	X		
SOL FLORES	X		
SHEILA O'GRADY	X		
SAM TOIA	X		
AMANDA WILLIAMS	X		

**THE RESOLUTION:**

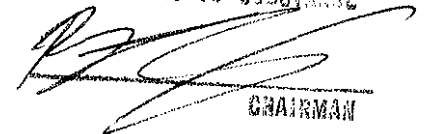
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 15, 2016, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 31, 2016; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 3', the east setback to zero, (west setback to be 2.0') and to reduce the total side yard setback combination to 2' for a proposed detached two-car garage with roof deck; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

  
 CHAIRMAN

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

**APPLICANT:** Denny Development, LLC **CAL NO.:** 189-16-Z  
**APPEARANCE FOR:** Thomas Moore **MINUTES OF MEETING:**  
April 15, 2016  
**APPEARANCE AGAINST:** George Blakemore  
**PREMISES AFFECTED:** 3837 N. Hoyne Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the south side setback from 2.8' to zero (north side setback to be 3.5') and to reduce the combined side setback from 7.0' to 3.5' and to reduce the rear setback from 34.748' to 2' for a detached three-car garage with roof deck and exterior stairs and exterior fireplace.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

**JUN 01 2016  
CITY OF CHICAGO**

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
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X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 15, 2016, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 31, 2016; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; George Blakemore testified in opposition to the application for variation; the applicant shall be permitted to reduce the south side setback to zero (north side setback to be 3.5') and to reduce the combined side setback to 3.5' and to reduce the rear setback to 2' for a detached three-car garage with roof deck and exterior stairs and exterior fireplace; 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:** GLPE II, LLC **CAL NO.:** 190-16-S  
**APPEARANCE FOR:** Thomas Moore **MINUTES OF MEETING:**  
April 15, 2016  
**APPEARANCE AGAINST:** George Blakemore  
**PREMISES AFFECTED:** 21 S. Ashland Avenue

**NATURE OF REQUEST:** Application for a special use to permit the establishment of a residential use below the second floor for a four-story, forty-seven dwelling unit residential building with an attached parking garage

**ACTION OF BOARD-**  
APPLICATION APPROVED

**THE VOTE**

JUN 01 2016  
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
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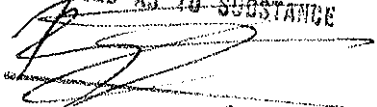
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 15, 2016, after due notice thereof as provided under Section 17-13-01 07B and by publication in the Chicago Sun-Times on March 31, 2016; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; George Blakemore testified in opposition to the application for special use; the applicant shall be permitted to establish a residential use below the second floor for a four-story, forty-seven dwelling unit residential building with an attached parking garage; 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, layout, materials and plans prepared by Space Architects and Planners and dated December 15, 2015.

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:** Montessori Academy of Chicago **CAL NO.:** 191-16-S  
**APPEARANCE FOR:** James Wigoda **MINUTES OF MEETING:** April 15, 2016  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1335 W. Randolph Street

**NATURE OF REQUEST:** Application for a special use to expand an existing school with two class rooms to be located in the lower level of the existing building.

**ACTION OF BOARD-**  
**APPLICATION APPROVED**

**THE VOTE**

JUN 01 2016  
 CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
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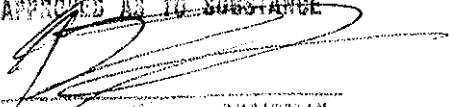
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 15, 2016, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 31, 2016; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant in this matter has appeared before the Board previously to establish the school and as well as to expand the use; testimony was offered that the applicant would now like to expand into the basement of the building to provide more class room space; there will be no increase of faculty of student; the applicant shall be permitted to expand the existing school with two class rooms to be located in the lower level of 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; 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, layout, and plans prepared by Tria Architecture and dated November 18, 2015.

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:** Islamic Center of Chicagoland, Inc. **CAL NO.:** 192-16-S

**APPEARANCE FOR:** **MINUTES OF MEETING:**

April 15, 2016

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 4856 N. Elston Avenue

**NATURE OF REQUEST:** Application for a special use to permit the establishment of a community center in an existing single story building.

**ACTION OF BOARD-**  
CASE CONTINUED TO JUNE 17, 2016

**THE VOTE**

JUN 01 2016

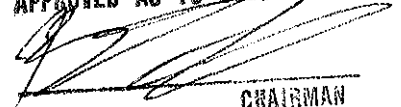
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

3:30 PM '16

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

APPLICANT:

Islamic Center of Chicagoland, Inc.

CAL NO.: 193-16-S

APPEARANCE FOR:

MINUTES OF MEETING:

April 15, 2016

APPEARANCE AGAINST:

PREMISES AFFECTED:

4846 N. Elston Avenue

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a religious assembly facility.

ACTION OF BOARD-

CASE CONTINUED TO JUNE 17, 2016

THE VOTE

JUN 01 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		

48 of 64

APPROVED BY: [Signature]  
CHAIRMAN

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

**APPLICANT:** Islamic Center of Chicagoland, Inc. **CAL NO.:** 194-16-S

**APPEARANCE FOR:** **MINUTES OF MEETING:**

April 15, 2016

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 4856 N. Elston Avenue

**NATURE OF REQUEST:** Application for a special use for the establishment of accessory off-site parking to serve a religious assembly facility located at 4856 N. Elston Avenue.

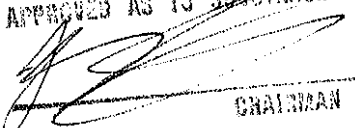
**ACTION OF BOARD-**  
CASE CONTINUED TO JUNE 17, 2016

**THE VOTE**

JUN 01 2016  
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

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

**APPLICANT:** Mark Twain Hotel, Inc. **CAL NO.:** 38-16-S  
**APPEARANCE FOR:** Sara Barnes **MINUTES OF MEETING:**  
 April 15, 2016  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 101-13 West Division Street

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a five-story, 152 \*room hotel with ground floor commercial space.

**ACTION OF BOARD-**  
 APPLICATION APPROVED

**THE VOTE**

JUN 01 2016  
 CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
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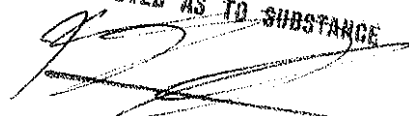
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 15, 2016, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 31, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant in this matter testified that the subject site has been a single-room occupancy building for many years; there are retail units on the ground floor and SRO units on the second thru fifth floor; the applicant stated that they have operated the SRO at this location for more than thirty years; the applicant testified that when they attempted to renew their license, they were informed that a special use would be required; the applicant shall be permitted to re-establish a 152 single room occupancy 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; 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: 351 W. Dickens Condominium Association

CAL NO.: 52-16-Z

APPEARANCE FOR: Patrick Turner

MINUTES OF MEETING:  
April 15, 2016

APPEARANCE AGAINST: None

PREMISES AFFECTED: 351-53 W. Dickens Avenue

NATURE OF REQUEST: Application for a variation to reduce the west side setback from 5' to 0' to replace four, open, balconies along the west side of the building and an open, spiral staircase, which will access a proposed, rooftop deck from the fourth floor balcony; three, open balconies along the east side of the building, which project over the public right-of-way, will also be replaced.

ACTION OF BOARD-  
VARIATION GRANTED

THE VOTE

JUN 01 2016

CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		

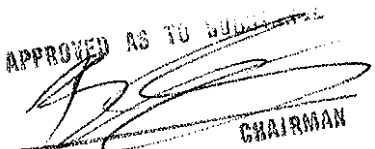
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 15, 2016, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on February 5, 2016; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant in this matter testified that the Board previously approved the variation request in 2012; the applicant testified the decks and balconies were constructed without permits; that the applicant shall be permitted to reduce the west side setback to 0' to replace four, open, balconies along the west side of the building and an open, spiral staircase, which will access a proposed, rooftop deck from the fourth floor balcony; three, open balconies along the east side of the building, which project over the public right-of-way, will shall also be replaced; 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: Regal, Inc.

CAL NO.: 76-16-Z

APPEARANCE FOR:

MINUTES OF MEETING:

April 15, 2016

APPEARANCE AGAINST:

PREMISES AFFECTED: 6947 S. South Chicago Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a public place of amusement license for a proposed banquet hall within 125' of an RS-3, Residential Single-Unit (Detached House) District.

ACTION OF BOARD-  
CASE CONTINUED TO JUNE 17, 2016

THE VOTE

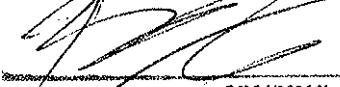
JUN 01 2016

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: 1110 North Ashland, LLC

CAL NO.: 93-16-Z

APPEARANCE FOR:

MINUTES OF MEETING:

February 19, 2016

APPEARANCE AGAINST:

PREMISES AFFECTED: 1108-10 N. Ashland Avenue

NATURE OF REQUEST: Application for a variation to allow for the establishment of a sixth residential unit on a lot whose area of 5,500 square feet is no less than 90% of the required 6,000 square feet for a proposed, four-story, six-unit building; the ground floor will contain office/retail space and two, enclosed parking spaces, four additional surface parking spaces will be provided in the rear.

ACTION OF BOARD-  
CASE CONTINUED TO JUNE 17, 2016

THE VOTE

JUN 01 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

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

APPLICANT: EDS - 61 West Erie Series

CAL NO.: 97-16-S

APPEARANCE FOR:

MINUTES OF MEETING:

February 19, 2016

APPEARANCE AGAINST:

PREMISES AFFECTED: 57-61 West Erie Street

NATURE OF REQUEST: Application for a special use to establish a residential use below the second floor for a proposed 12-story, 10-unit building with 12 indoor, at-grade parking spaces; the adjacent, three-story, three-unit building will remain unchanged other than being connected to this proposed development.

ACTION OF BOARD-  
WITHDRAWN ON MOTION OF THE APPLICANT

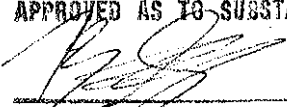
JUN 01 2016

CITY OF CHICAGO

THE VOTE

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

	AFFIRMATIVE	NEGATIVE	ABSENT
BLAKE SERCYE	X		
SOL FLORES	X		
SHEILA O'GRADY	X		
SAM TOIA	X		
AMANDA WILLIAMS	X		

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

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

**APPLICANT:** JAB Merger **CAL NO.:** 98-16-S  
**APPEARANCE FOR:** Katriina McGuire **MINUTES OF MEETING:**  
April 15, 2016  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1546-56 N. Weiland Street/ 227-233 W. North Avenue

**NATURE OF REQUEST:** Application for a special use to reduce required residential parking from the required 60-spaces to 20\*spaces to serve a proposed 6-story retail, 42 dwelling unit and 18 efficiency unit building.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

**JUN 01 2016  
CITY OF CHICAGO**

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

AFIRMATIVE	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 April 15, 2016, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 3, 2016; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the existing building at the subject site is built lot line to lot line and has twenty-four units and no parking; the applicant is proposing to construct a six-story, forty-two dwelling unit and eighteen efficiency unit building at this location; the subject site is located 780 feet from the CTA train line and qualifies as a transit served location; James Jann owner and developer of the subject site testified that he will comply with a community agreement and provide twenty on-site parking spaces; will set back the rear of the building 5' in order to widen the alley to 15'; will re-pave the entire 250' length of the alley; will provide lighting on the rear of the building to better illuminate the alley; will provide pre-construction rat abatement; will provide a car sharing parking space for building residents as well as sixty bicycle parking spaces; the applicant will also provide residents with information about divvy bike sharing and other forms of public transportation; the applicant testified that there would not be a request for residential parking permits for five years following the construction of the building the applicant shall be permitted to reduce required residential parking from the required sixty spaces to twenty spaces to serve a proposed six-story retail, forty-two dwelling unit and eighteen efficiency unit building; additional variations were also granted to the subject site in Cal. No. 99-16-Z and 100-16-Z; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject; 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

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

**CAL NO.:** 98-16-S

( Cont'd)

**MINUTES OF MEETING:**

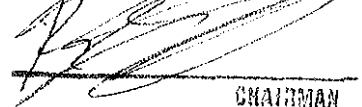
April 15, 2016

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 in the plans prepared by Space Architect and Planners and dated April 5, 2016, including the ground floor plan dated April 13, 2016, and the north elevation dated April 11, 2016.

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

\* Amended at Hearing

**APPROVED AS TO SUBSTANCE**

  
CHAIRMAN

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

**APPLICANT:** JAB Merger **CAL NO.:** 99-16-Z  
**APPEARANCE FOR:** Katriina McGuire **MINUTES OF MEETING:**  
April 15, 2016  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1546-56 N. Weiland Street/ 227-233 W. North Avenue

**NATURE OF REQUEST:** Application for a variation to eliminate the one required loading berth for a six story 60 unit residential building (42 dwelling unit and 8 efficiency units) with 2,400 square feet of commercial space on the ground floor and 20\* parking spaces.

**ACTION OF BOARD-  
 VARIATION GRANTED**

**THE VOTE**

JUN 01 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 April 15, 2016, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 3, 2016; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the existing building at the subject site is built lot line to lot line and has twenty-four units and no parking; the applicant is proposing to construct a six-story, forty-two dwelling unit and eighteen efficiency unit building at this location; project architect Jean Dufrane testified that the subject site is a short lot and with out the reduction of the loading berth, the quantity of retail units as well as the quantity of the parking spaces would be reduced; James Jann owner and developer of the subject site testified that he will comply with a community agreement and will set back the rear of the building 5' in order to widen the alley to 15'; will re-pave the entire 250' length of the alley; will provide lighting on the rear of the building to better illuminate the alley; will provide pre-construction rat abatement; will provide a car sharing parking space for building residents as well as sixty bicycle parking spaces; the applicant will also provide residents with information about divvy bike sharing and other forms of public transportation; the applicant testified that there would not be a request for residential parking permits for five years following the construction of the building; the applicant shall be permitted to eliminate the one required loading berth for a six story 60 unit residential building (42 dwelling unit and 8 efficiency units) with 2,400 square feet of commercial space on the ground floor and 20\* parking spaces; a special use was also granted to the subject site in Cal. NO. 98-16-S as well as an additional variation in Cal. No. 100-16-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

\* Amended at Hearing

APPROVED AS TO SUBSTANCE  


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

**CAL NO.:** 99-16-Z

( Cont'd)

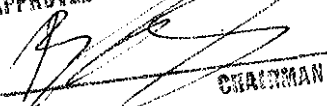
**MINUTES OF MEETING:**

April 15, 2016

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:** JAB Merger **CAL NO.:** 100-16-Z  
**APPEARANCE FOR:** Katriina McGuire **MINUTES OF MEETING:**  
April 15, 2016  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1546-56 N. Weiland Street/ 227-233 W. North Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback (for floors containing dwelling units) from 30' to 15' for a six-story, 60-unit residential building (42 dwelling units and efficiency units) with 2,400 square feet of commercial space on the ground floor and 20\* parking spaces.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

JUN 01 2016  
CITY OF CHICAGO

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

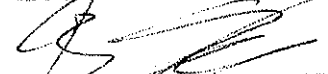
AFFIRMATIVE	NEGATIVE	ABSENT
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**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 15, 2016, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 3, 2016; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the existing building at the subject site is built lot line to lot line and has twenty-four units and no parking; the applicant is proposing to construct a six-story, forty-two dwelling unit and eighteen efficiency unit building at this location; project architect Jean Dufrane testified that the lot is a short lot and without the requested variation, the project would lose approximately 7,000 square feet of buildable space; James Jann owner and developer of the subject site testified that he will comply with a community agreement and will set back the rear of the building 5' in order to widen the alley to 15'; will re-pave the entire 250' length of the alley; will provide lighting on the rear of the building to better illuminate the alley; will provide pre-construction rat abatement; will provide a car sharing parking space for building residents as well as sixty bicycle parking spaces; the applicant will also provide residents with information about divvy bike sharing and other forms of public transportation; the applicant testified that there also would not be a request for residential parking permits for five years following the construction of the building; the applicant shall be permitted to reduce the rear setback (for floors containing dwelling units) to 15' for a six-story, 60-unit residential building (42 dwelling units and efficiency units) with 2,400 square feet of commercial space on the ground floor and 20\* parking spaces a special use was also granted to the subject site in Cal. No. 98-16-S as well as an additional variation in Cal. No. 100-16-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

APPROVED AS TO SUBSTANCE

  
CHAIRMAN

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

**CAL NO.:** 100-16-Z

( Cont'd)

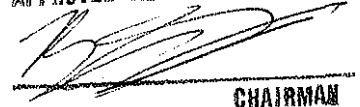
**MINUTES OF MEETING:**

April 15, 2016

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:** David Berger **CAL NO.:** 111-16-Z  
**APPEARANCE FOR:** Warren Silver **MINUTES OF MEETING:**  
April 15, 2016  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1621 W. Berteau Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from 16.34' to 8.3'; to reduce the east side setback from 3.44' to 0'; and, to reduce the 225 square feet of rear yard open space to 175 square feet for the proposed sub-division of the existing, subject, this 43' x 35' former portion of the subject zoning lot will be combined to an adjacent, 35' x 123.75' zoning lot, located at 4151 N. Paulina Street, resulting in the establishment of such as a 35' x 166.75' zoning lot.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

JUN 01 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 April 15, 2016, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 3, 2016; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 8.3'; to reduce the east side setback to 0'; and, to reduce the 225 square feet of rear yard open space to 175 square feet for the proposed sub-division of the existing, subject, this 43' x 35' former portion of the subject zoning lot will be combined to an adjacent, 35' x 123.75' zoning lot, located at 4151 N. Paulina Street, resulting in the establishment of such as a 35' x 166.75' zoning lot; an additional variation was also granted to the subject site in Cal. No. 112-16-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:** David Berger **CAL NO.:** 112-16-Z

**APPEARANCE FOR:** Warren Silver **MINUTES OF MEETING:**  
April 15, 2016

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1621 W. Berteau Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the quantity of off-street vehicular parking spaces by no more than one for the proposed sub-division of the existing, subject, 43' x 93.7' zoning lot into a 43' x 58.7' zoning lot; this 43' x 35' former portion of the subject zoning lot will be combined to an adjacent, 35' x 123.75 zoning lot, located at 4151 N. Paulina Street, resulting in the establishment of such as 35' x 166.75' zoning lot.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

**JUN 01 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 April 15, 2016, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 3, 2016; and

WHEREAS, the Zoning Board of Appeals, 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 quantity of off-street vehicular parking spaces by no more than one for the proposed sub-division of the existing, subject, 43' x 93.7' zoning lot into a 43' x 58.7' zoning lot; this 43' x 35' former portion of the subject zoning lot will be combined to an adjacent, 35' x 123.75 zoning lot, located at 4151 N. Paulina Street, resulting in the establishment of such as 35' x 166.75' zoning lot; an additional variation was also granted to the subject site in Cal. No. 11.16-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 BY THE BOARD  
*[Signature]*  
CHAIRMAN

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

**APPLICANT:**

Sandeep Gupta

**CAL NO.:** 119-16-Z

**APPEARANCE FOR:**

**MINUTES OF MEETING:**

April 15, 2016

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:**

2241 N. Cleveland Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the north side setback from 2' to 0'; to reduce the south side setback from 2' to 0'; and, to reduce the combined side setback from 4.8' to 0' for a proposed, second floor, rear addition to an existing, two-story, single-family residence; and, to allow the 126 square feet of rear yard open space to be provided on the rooftop deck proposed to be established on the proposed, rear, detached, one-car garage which will be accessed via an open stair exceeding 6' in height.

**ACTION OF BOARD-**

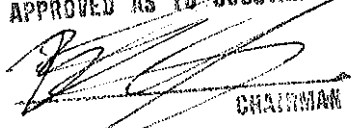
CASE CONTINUED TO JUNE 17, 2016

**THE VOTE**

JUN 01 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:** Adrian Sanchez/DBA Prefer Valet Parking Service, Inc. **CAL NO.:** 124-16-S

**APPEARANCE FOR:** **MINUTES OF MEETING:**  
April 15, 2016

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 2814-38 W. 26th Street

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a non-accessory parking lot.

**ACTION OF BOARD-**  
CASE CONTINUED TO MAY 20, 2016

**THE VOTE**

JUN 01 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



JUN 01 2016  
CITY OF CHICAGO

**Outdoor Impact, Inc.**  
APPLICANT

**153-16-A**  
CALENDAR NUMBER

**2717 W. Peterson Ave.**  
PREMISES AFFECTED

**April 15, 2016**  
HEARING DATE

**Jim Banks**  
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 permit the establishment of a 15' x 20' off-premise advertising sign.

**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 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 April 15, 2016; and

WHEREAS, the Office of the Zoning Administrator ("Zoning Administrator") refused to permit the establishment of the Applicant's 15' x 20' off-premise advertising sign at this location; and

WHEREAS, Mr. Jim Banks, counsel for the Applicant, explained the history of the Applicant's off-premise advertising sign; that as the Applicant's sign predates the 1990 change to this Zoning Ordinance, the Applicant's sign is a legal nonconforming sign; that the change in face from painted wall sign to a vinyl sign is not an unpermitted alternation of the Applicant's sign; that the position of the Zoning Administrator in denying the sign

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

is in direct conflict with this Zoning Ordinance; that the Zoning Administrator also denied the sign on the basis of the sign being abandoned; that the sign was not abandoned as abandonment under Illinois case law required voluntary conduct on the part of the Applicant that the Applicant intended to discontinue the nonconforming use; and

WHEREAS, Mr. Joel Byron, principal of the Applicant, testified as to the history of the Applicant's off-premise advertising sign; that the Applicant has never intended to abandon the sign; and

WHEREAS, Mr. Steven Valenziano, Assistant Zoning Administrator, testified on behalf of the Zoning Administrator; that the sign has been willfully removed and therefore lost whatever nonconforming status it may have had; that Section 17-15-0405 of this Zoning Ordinance states that alterations to nonconforming signs only allows for the substitution of panels and faces of nonconforming signs; that a painted wall sign as defined under Section 17-17-02113 of this Zoning Ordinance is "a sign applied to a building wall with paint or a thin layer of vinyl, paper or similar material *adhered* directly to the building surface and that has no sign structure"; that, in contrast, a wall sign is defined as "a single-faced sign *attached* flush to a building or other structure or a sign consisting of light projected onto the building or other structure; wall signs do not include signs that are attached to sign structures" (Section 17-17-02191 of this Zoning Ordinance); that the Zoning Administrator's position is that the Applicant's sign changed from a "painted wall sign" to a "wall sign"; that this change caused the Applicant's sign to lose whatever nonconforming legal status it may have had under this Zoning Ordinance; and

WHEREAS, Mr. Banks responded that Section 17-17-02113 has settled the issue that painted wall signs include signs made from vinyl; that vinyl is the new technology; that the Applicant's sign has no structure and therefore could not lose its legal nonconforming status through structural alteration; that structural alteration to a sign is defined in Section 17-17-02173 of this Zoning Ordinance; that as defined, structural alteration does not include "ordinary maintenance or repair, repainting an existing sign surface, including changes of message or image, exchanging painted and pasted or glue materials on painted wall signs or exchanging the display panels of a sign through release and closing of clips or other brackets"; that the Applicant's sign at the subject property has no structure; that vinyl attached to a wall with clips is not a structure; that there is a big difference between clips and a structure; that clips are not a structure because a structure is a frame; and

WHEREAS, in response to questions by the Board, Mr. Byron testified that the clips are affixed to the wall but they are small; that the clips are not a structure; 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's sign was lawfully established prior to the 1990 amendment to this Zoning Ordinance.
2. The Board finds the Applicant did not abandon its sign.
3. The Board finds that the clips are not "structure", and in consequence, the addition of clips to the Applicant's sign is not a structural alteration as defined in Section 17-17-02173.
4. The Board finds that since there has been no structural alteration to the Applicant's sign, the Applicant's sign still qualifies for legal nonconforming status under Section 17-15-0502.

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.

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



JUN 01 2016  
CITY OF CHICAGO

**Outdoor Impact, Inc.**  
APPLICANT

**154-16-A**  
CALENDAR NUMBER

**4811 N. Ashland Avenue**  
PREMISES AFFECTED

**April 15, 2016**  
HEARING DATE

**Jim Banks**  
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 permit the establishment of a 30' x 28' off-premise advertising sign.

**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 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 April 15, 2016; and

WHEREAS, the Office of the Zoning Administrator ("Zoning Administrator") refused to permit the establishment of the Applicant's 39' x 28' off-premise advertising sign at this location; and

WHEREAS, Mr. Jim Banks, counsel for the Applicant, explained the history of the Applicant's off-premise advertising sign; that as the Applicant's sign predates the 1990 change to this Zoning Ordinance, the Applicant's sign is a legal nonconforming sign; that the change in face from painted wall sign to a vinyl sign is not an unpermitted alternation of the Applicant's sign; that the position of the Zoning Administrator in denying the sign

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN



is in direct conflict with this Zoning Ordinance; that the Zoning Administrator also denied the sign on the basis of the sign being abandoned; that the sign was not abandoned as abandonment under Illinois case law required voluntary conduct on the part of the Applicant that the Applicant intended to discontinue the nonconforming use; and

WHEREAS, Mr. Joel Byron, principal of the Applicant, testified as to the history of the Applicant's off-premise advertising sign; that the Applicant has never intended to abandon the sign; and

WHEREAS, Mr. Steven Valenziano, Assistant Zoning Administrator, testified on behalf of the Zoning Administrator; that the sign has been willfully removed and therefore lost whatever nonconforming status it may have had; that Section 17-15-0405 of this Zoning Ordinance states that alterations to nonconforming signs only allows for the substitution of panels and faces of nonconforming signs; that a painted wall sign as defined under Section 17-17-02113 of this Zoning Ordinance is "a sign applied to a building wall with paint or a thin layer of vinyl, paper or similar material *adhered* directly to the building surface and that has no sign structure"; that, in contrast, a wall sign is defined as "a single-faced sign *attached* flush to a building or other structure or a sign consisting of light projected onto the building or other structure; wall signs do not include signs that are attached to sign structures" (Section 17-17-02191 of this Zoning Ordinance); that the Zoning Administrator's position is that the Applicant's sign changed from a "painted wall sign" to a "wall sign"; that this change caused the Applicant's sign to lose whatever nonconforming legal status it may have had under this Zoning Ordinance; and

WHEREAS, Mr. Banks responded that Section 17-17-02113 has settled the issue that painted wall signs include signs made from vinyl; that vinyl is the new technology; that the Applicant's sign has no structure and therefore could not lose its legal nonconforming status through structural alteration; that structural alteration to a sign is defined in Section 17-17-02173 of this Zoning Ordinance; that as defined, structural alteration does not include "ordinary maintenance or repair, repainting an existing sign surface, including changes of message or image, exchanging painted and pasted or glue materials on painted wall signs or exchanging the display panels of a sign through release and closing of clips or other brackets"; that the Applicant's sign at the subject property has no structure; that vinyl attached to a wall with clips is not a structure; that there is a big difference between clips and a structure; that clips are not a structure because a structure is a frame; and

WHEREAS, in response to questions by the Board, Mr. Byron testified that the clips are affixed to the wall but they are small; that the clips are not a structure; 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's sign was lawfully established prior to the 1990 amendment to this Zoning Ordinance.
2. The Board finds the Applicant did not abandon its sign.
3. The Board finds that the clips are not "structure", and in consequence, the addition of clips to the Applicant's sign is not a structural alteration as defined in Section 17-17-02173.
4. The Board finds that since there has been no structural alteration to the Applicant's sign, the Applicant's sign still qualifies for legal nonconforming status under Section 17-15-0502.

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.

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



JUN 01 2016

CITY OF CHICAGO

**Frankie's Place, Inc.**

APPLICANT

**156-16-S**

CALENDAR NUMBER

**2607 W. 47<sup>th</sup> Street**

PREMISES AFFECTED

**April 15, 2016**

HEARING DATE

**Thomas J. Murphy**

APPEARANCE FOR APPLICANT

**Jose Padilla & Others**

OBJECTORS

**NATURE OF REQUEST**

Application for a special use to expand an existing tavern to the rear of the building and provide an outdoor patio.

**ACTION OF BOARD**

**THE VOTE**

The application for a special use is approved.

	APPROVE	DENY	ABSENT
Blake Sercye, Chair	<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 April 15, 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. Thomas J. Murphy, counsel for the Applicant, explained the history of the subject property and the underlying nature of relief sought; that a tavern has existed in the building on the subject property ("Building") for the past forty (40) years; that the Applicant plans to expand the tavern by removing an apartment in the rear of the first floor of the Building; that with the expansion, the tavern will go from the street to the back of the Building; that the Applicant is also seeking approval of a 300 square foot patio between the first floor of the Building and the garage on the subject property; and

APPROVED AS TO SUBSTANCE

CHAIRMAN

WHEREAS, Mr. Hugh Edfors testified on behalf of the Applicant; 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 his findings are contained in his report on the subject property; his report was submitted and accepted by the Board; that he then orally testified that the proposed special use: (1) is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of the community because the tavern has existed on the property for forty (40) years, most of the tavern's patrons are from the neighborhood and the tavern fulfills the local demand for the continuation of its use; (2) is compatible with the character of the surrounding area because its storefront is consistent with other storefronts on the street; and (3) is designed to promote pedestrian safety and comfort; and

WHEREAS, Ms. Susana Garcia testified on behalf of the Applicant; that she owns the Applicant and a tax preparation business close to the subject property at 4890 S. Archer; that she purchased the subject property in 2011; that since that time, she has operated the tavern in the front half of the first floor of the Building; that due to customer demand, she is seeking to expand; that currently, there are only twenty (20) seats in the tavern; that she will be able to have sixty (60) seats if she is able to expand; that if she is able to expand, she would hire additional employees; that she would like to hire the additional employees from the neighborhood; and

WHEREAS, in response to questions from the Board, Ms. Garcia further testified that she was aware of the noise ordinances concerning the patio usage; that she would train the staff in the noise ordinances; that the Applicant would use the patio mostly in the summer; that the Applicant did not intend to keep the patio open longer than 9:00 PM; that with respect to the noise ordinances concerning patio usage, patios could be open until 11:00 PM on weekdays and 12:00 on weekends; and

WHEREAS, Mr. Jose Padilla, of 2613 W. 47<sup>th</sup> Street, testified in objection to the application; that he had children in grammar school; that he believed taverns created too much noise; that he will be very affected; and

WHEREAS, Mr. Pedro Alvarado, of 4724 S. Rockwell, began translating for Mr. Padilla; that Mr. Padilla, through translation, further testified that his children would be very affected due to the noise; that he does not know the time of operation of the tavern; that he is used to the tavern having regular business hours; that he does not know what is going on; and

WHEREAS, in response to questions by the Board, Ms. Garcia further testified that she had never met Mr. Padilla or Mr. Alvarado; that she is willing to communicate with them about her plans for the tavern; and

WHEREAS, the 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 in the interest of the public convenience and will not have a significant adverse impact on the general welfare of the community because the tavern has existed on the property for forty (40) years, most of the tavern's patrons are from the neighborhood and the tavern fulfills the local demand for the continuation of its use.
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 it will be located in 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 tavern has existed on the property for forty (40) years and because the Applicant will abide by the noise ordinances that govern outdoor patios.
5. The proposed special use is designed to promote pedestrian safety and comfort.

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



JUN 01 2016  
CITY OF CHICAGO

**1800 Ashland, LLC**

APPLICANT

**173-16-S**

CALENDAR NUMBER

**1800-04 S. Ashland Ave./1601-11 W. 18<sup>th</sup> St.**

PREMISES AFFECTED

**April 15, 2016**

HEARING DATE

**Rolando Acosta**

APPEARANCE FOR APPLICANT

**Raul A. Villalobos**

APPEARANCE FOR OBJECTORS

**NATURE OF REQUEST**

Application for a special use permit to permit a 100% reduction in parking for a three-story fourteen dwelling unit building with ground floor retail which is located in a transit served location and will be redeveloped.

**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 April 15, 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. Rolando Acosta, counsel for the Applicant, summarized the facts of the history of the affected property and explained the underlying basis for the relief sought; and

WHEREAS, Mr. Jeff Malt, managing member of the Applicant, testified on behalf of the Applicant; that the subject property is currently improved with an existing three-story building ("Building"); that the ground floor of the Building has historically been retail;

APPROVED AS TO SUBSTANCE

CHAIRMAN

that the uppers floor of the Building were most recently a restaurant and banquet hall but prior to that were residential; that the Applicant seeks to provide fourteen (14) units (that is to say seven (7) units per floor) on the upper floors of the Building; that the Applicant is requesting the special use because the Building is built lot line to lot line; that to provide parking, the Applicant would be forced to break the wall of the Building; that this would encroach upon the Building's retail space; that the Applicant's target market for the subject property is students, millennials, young professionals and recent graduates; that the Applicant owns over 100 units in the neighborhood; that all 100 units are rented to a similar population; that for these 100 units, the Applicant only has six (6) parking spaces; that the Applicant has had no problems with this lack of parking as the Applicant's tenants primarily use the train or bus for their transportation needs; that the Applicant does not find lack of parking detrimental to the neighborhood; that the Building is similar to the other buildings at the corner of 18th Street and Ashland Avenue; that these other buildings do not have parking for their tenants either; that lack of parking is a common situation in the community; and

WHEREAS, Mr. Luay Aboona testified on behalf of the Applicant; that Mr. Aboona's credentials as an expert in traffic engineering were accepted by the Board; that he has undertaken a traffic study of the area to determine the available alternative means of transport for those individuals that do not use cars; that his findings are contained in his report; his report was submitted and accepted by the Board; that he then orally testified to the following: (1) the Building is approximately 650 feet from the Chicago Transit Authority ("CTA") 18<sup>th</sup> Street Pink Line Station; (2) that as 18<sup>th</sup> Street is a pedestrian street under this Zoning Ordinance at this location, the required distance to comply with the Transit Oriented Development Ordinance ("TOD") is less than 2640 feet; that is to say, the subject property must be within 2640 feet of a CTA station entrance; (3) that the Applicant is well within that parameter as the subject property is 650 from the aforementioned CTA pink line station; (4) that there are also two (2) bus lines that serve the subject property as well as two (2) Divvy Bike Stations within close proximity of the subject property; (5) that there is a mix of unrestricted, meter and permanent parking in the area; (6) that within a two (2) block walking distance of the subject property, there are 192 metered parking spaces; (7) that this parking would be used for guests who need parking at the subject property; and

WHEREAS, Mr. Peter Poulos testified on behalf of the Applicant; that Mr. Poulos's credentials as an expert in real estate appraisal were acknowledged by the Board; that he has reviewed the subject property and the Applicant's proposed development to see if the development had any detrimental impact on the community or nearby property values; that his findings are contained in his report; his report was submitted and accepted by the Board; that he then orally testified: (1) that the proposed special use will not have a detrimental impact on the community or nearby property values; (2) that he makes this determination due to empirical evidence on the recently constructed building at 1611 W. Division; (3) that said building is a 100 unit building with no parking; (4) that he has evaluated the property values near that building post-construction; (5) that during this evaluation, he found no decrease in property values and instead found an increase in nearby property values; (6) that he has also reviewed some recent publications from the

Center for Neighborhood Technology that indicate that at least at the rental level there is surplus parking that is built throughout the City under the prior regulations of this Zoning Ordinance; (7) that the decrease in parking at the subject property would not be a detriment and would be consistent with both TOD principles and market expectations; (8) that the proposed special use is consistent with the neighborhood in the sense of other buildings similarly situated; (9) that the proposed special use is consistent from a site plan and operations perspective, this is a mixed-use – residential and commercial use – Building, common in the area, and that the proposed special use will not change the site plan of the subject property; and

WHEREAS, Mr. Jean Dufrense testified on behalf of the Applicant; that he is the project's architect; that his construction drawings and the proposed construction would be in conformance with all regulations applicable to the subject property; that based on the construction type and layout of the Building, the upper floors of the Building were originally residential use; that at some point, the upper floors of the Building were turned into a banquet hall; that he is familiar with the C1-3 zoning district; that a C1-3 zoning district permits commercial uses on upper floors; that in addition, under the C1-3 zoning district, so long as the combination of commercial uses are 10,000 square feet or less, no on-site parking is required; and

WHEREAS, Mr. Aboona further testified that a restaurant or retail use for the upper floors of the Building would generate a greater demand for parking than fourteen (14) residential units; and

WHEREAS, in response to questions by the Board, Mr. Acosta stated that the Applicant would pursue establishing a loading zone for the Building; that ultimately the decision of a loading zone is for the City's Department of Transportation ("CDOT"); that the Applicant would pursue a loading zone to the extent that CDOT would pursue said loading zone; and

WHEREAS, Mr. Raul Villalobos testified in objection to the application; that he was an attorney and was representing himself since he owned four (4) properties on either side of 17<sup>th</sup> Street and 18<sup>th</sup> Place off of Ashland; that he is also representing his son Mark that owns two (2) buildings and lives at 1620 W. 18<sup>th</sup> Street as well as fourteen (14) other building owners on 17<sup>th</sup> and 18<sup>th</sup> Streets; that he is also representing Leon Jose Chacharie who had to leave; that he and those he is representing are concerned about traffic as this area is very congested; that due to the traffic congestion, they are also concerned about safety; that the Applicant could use part of the first floor of the Building to provide parking; that the Applicant could also perhaps purchase the vacant parking lot currently owned by MB Financial on Marshfield; and

WHEREAS, Mr. George Blakemore also testified in objection to the application; 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 as testified to by Mr. Dufresne, the Applicant's architect.
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 because as Mr. Paulos very credibly testified the proposed special use will not have a detrimental impact on the community or nearby property values.
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 it will be located in 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 it is very similar to other mixed – commercial and residential – use in the area. Further, the Board's condition of a loading zone will ensure that the Applicant's tenants that utilize I-GO or Zip cars will not disrupt the traffic on the street.
5. The proposed special use is designed to promote pedestrian safety and comfort because it will be located within an existing building that is located on a pedestrian street.

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.

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-F of the Chicago Zoning Ordinance:

1. The Applicant's project complies with the applicable standards of Section 17-10-0102-B of this Zoning Ordinance because 18<sup>th</sup> Street is a pedestrian street at this location and the subject property is within 2640 feet of a CTA rail station entrance.
2. The Applicant's project complies with the standards and regulations of Section 17-3-0500 of this Zoning Ordinance pertaining to pedestrian streets and pedestrian retail projects because the subject property is located on a pedestrian street and Mr. Dufresne, the Applicant's architect, testified that the Applicant's project would comply with all applicable regulations.

3. The Applicant's project complies with the general goals set forth in the Transit Friendly Development Guide: Station Area Typology. The CTA's 18<sup>th</sup> Street Pink Line station is a "Local Activity Center" under the Transit Friendly Development Guide. Increased residential development with a focus on place-making through active retail at grade and walkability is a goal for a Local Activity Center under the Transit Friendly Development Guide that is furthered by the Applicant's project. The Applicant's project also promotes the Transit Friendly Development Guide's general goal of increasing transit usage through parking reductions.

4. The Applicant will actively promote public transit and alternatives to automobile membership through the Divvy program or by otherwise promoting the use of the nearby public transit.

5. The requested parking reduction will be offset by enhancements to the pedestrian environment that are not otherwise required as the Applicant will provide a transit information kiosk as part of its redevelopment of the subject property.

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-F 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 subject to the following condition, pursuant to the authority granted by Section 17-13-906 of this Zoning Ordinance:

1. The Applicant shall obtain a loading zone for its Building on the subject property.

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

**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

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



JUN 22 2016  
CITY OF CHICAGO

**658 Melrose, LLC**  
APPLICANT

**107-16-Z & 108-16-Z**  
CALENDAR NUMBERS

**658 W. Melrose**  
PREMISES AFFECTED

**April 15, 2016**  
HEARING DATE

**John George**  
APPEARANCE FOR APPLICANT

**Helen Bloch**  
APPEARANCE FOR OBJECTORS

**NATURE OF REQUESTS**

Application for a variation to reduce the rear setback from 34.83' to 12.43'; to reduce the west side setback from 2' to 0.33'; and to reduce the combined side setback from 5' to 2.33' for a proposed four-story, two-unit building with a rooftop deck and front attached two-car garage accessed directly from West Melrose Street.

Application for a variation to increase the maximum allowed height of 45' by no more than 10% (3') for a proposed four-story, two-unit building with a rooftop deck and front attached two-car garage accessed directly from West Melrose Street.

**ACTION OF BOARD**

**THE VOTE**

The applications for variations are approved.

	APPROVE	DENY	ABSENT
Blake Sercye, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Soi 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 April 15, 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 additional notice as provided under Section 17-13-0108-A of this Zoning Ordinance; and

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

WHEREAS, Mr. Jack George, counsel for the Applicant, explained the underlying nature of the relief sought; that he then amended the Applicant's application on its face to reduce the relief requested with respect to the variation to increase the maximum height of the proposed building ("Building"); that the Applicant no longer needed a variation to increase the maximum height of the Building from 45' to 49.5'; that instead, the Applicant only needed a variation to increase the maximum height of the Building from 45' to 48'; and

WHEREAS, Mr. George further amended the Applicant's application on its face to reflect the fact that the Applicant no longer needed a reduction to the east side setback; that in consequence, the Applicant's combined setback reduction relief request was now 5' to 2.33'; and

WHEREAS, Mr. Andrew Smith testified on behalf of the Applicant; that he is a member of the Applicant; that the dimensions of the subject property are 25' x 116'; that there is no alley at the rear of the property; that the short dimension of the lot and the lack of alley creates a hardship as opposed to a mere inconvenience; that the lack of rear alley negatively impacts the lot as a garage cannot be put on the rear of the subject property; that this is a unique circumstance and the Applicant cannot get a reasonable return; that the Applicant's hardship is result of the depth of the subject property and the lack of rear alley; that the variations, if granted, would not alter the character of the neighborhood; that the requested variations would not be detrimental to the public health, welfare and safety of the neighborhood; that the requested variations would not impair light and air to the adjacent properties; that the requested variations will not increase congestion or increase danger, fire or the risk to public safety; that the Building will be built in full compliance with all permits and codes of the City of Chicago ("City"); and

WHEREAS, Mr. David Berger testified on behalf of the Applicant; that he is a licensed general contractor and is familiar with the program of development for the Building; that there is no alley at the rear of the subject property; that the subject property's lot dimensions are 25' x 116'; that a normal City lot is 25' x 125' that the need for the reduction to the side yard setback, both the west yard and the overall combined yard, stem from the fact that there is no alley to the rear of the property and so, as a result, the garage must be constructed underneath the building; that the need for the height variation stems from the fact that there is no rear alley to the property and so the garage must be constructed underneath the Building, making the Building taller; that the Building will be constructed in such a way that it is in compliance with all fire code regulations, particularly those with respect to separations of buildings; and

WHEREAS, Mr. George directed Mr. Berger to Applicant's Exhibit 1; that Applicant's Exhibit 1 was a document the Applicant received from a mason by the name of Robert Xhaxho; that Mr. Xhaxho is the president of Bert Tuckpointing & Restoration, Inc.; that the document directs itself to the fact that tuckpointing can be done within a 2' area; that the east side of the Building will be set 2' back from the property line; that tuckpointing scaffolding can be erected in this 2' area; 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 physically inspected the subject property and its surrounding area; that his findings are contained in his report on the subject property; his report was submitted and accepted by the Board; that he then orally testified that the Applicant's requests for variations were the result of hardship and not mere inconvenience; that the hardship and practical difficulty is caused by the application of this Zoning Ordinance to the subject property, which is a nonstandard lot; that the subject property is nonstandard in two ways: (1) it is only 116' deep and is therefore more shallow than a standard City lot of 25' x 125'; and (2) it lacks alley access; that the lack of alley access causes the need for the Applicant to access off-street parking from the street and locate it underneath at the front of the lot below the Building and within the buildable area of the site; that this forces the ground floor up to a level of almost 6' above grade; that the parking area occupies 1000 square feet of space and as it is 2 car widths, takes up about 16', which is about 80% of the buildable area of the lot; that the need for the encroachment into the side setbacks is caused by the displacement of otherwise habitable area within the buildable portion of the lot; that without the side setback encroachment, it is not possible to build the site to the same degree as other development in the neighborhood which diminishes the Applicant's economic return; that this Zoning Ordinance intends to allow the location of off-street parking in areas where habitable space is not allowed, such as the rear yard setback; that this arrangement maximizes orderly and efficient use of land; that this is not the case with respect to the situation on the subject property and that was why the variations were being sought; and

WHEREAS, Mr. Kisiel further testified that with respect to the encroachment in the rear yard, it is the same displacement of buildable lot area by the parking that pushes the Building back into the rear yard; that due to the substandard depth of the subject property, the condition is exacerbated; that the seemingly large reduction to the rear yard setback from the required 34' to 12' is really caused by the fact that the proposed deck and access stair at the rear of the Building will be more than 6' above grade; that as the subject property is zoned RM-5, only encroachments less than 6' above grade are allowed in the rear yard setback; that due to the parking issues mentioned earlier, the ground floor of the Building will be 5' 10" above grade instead of the 3' or so normally anticipated by this Zoning Ordinance; that the actual reduction to the rear yard is minor and consistent with that of nearby development; that the same issues he previously testified to also cause the need for a variation to the height of the Building; that to summarize, because of the site's physical idiosyncrasies, strict application of this Zoning Ordinance cause a hardship and inability to develop the site to levels consistent with the size and character of other developments in the neighborhood; that the requested variations are due to the unique circumstances of a 25' x 116' lot with lack of alley access; that in this block of Melrose, there is a predominant pattern of westerly offset to the buildings on their sites; that is to say, that there are minimal setbacks on the west but a setback is provided for on the east; that the subject property cannot yield a reasonable return if only used in strict compliance with this Zoning Ordinance; that the variations, if granted: (1) will not affect the essential character of the neighborhood; (2) will not be detrimental to the public health, safety and welfare; (3) will not substantially diminish or impair property values in the neighborhood

as the proposed use and configuration of the subject property are consistent with adjacent nearby development; and

WHEREAS, Ms. Helen Bloch, counsel for Mr. Jim Faier and Mr. Howard Goldman (“Objectors”), was granted leave to cross-examine Mr. Kisiel; that Mr. Kisiel further testified that there are several lots on this block of Melrose that are 25’ x 116’; that the subject property is unique as most City lots are 25’ x 125’; that the 116’ lot depth is also unique to some of the lots that are on the north side of this block of Melrose; that other lots on the north side of this block of Melrose are shorter than a standard City lot; that many of the parcels on this block of North Melrose are justified to the west while there are setbacks to the east; and

WHEREAS, Ms. Bloch was then granted leave to cross-examine Mr. Smith; that Mr. Smith further testified that he knew the lot was a substandard lot when the Applicant purchased the property; that there is no alley to the rear yard of the property; that the proposed Building’s staircase in the rear setback will not pose a danger due to its nearness to the utility pole; and

WHEREAS, Ms. Bloch was then granted leave to cross-examine Mr. Berger; that Mr. Berger further testified that the hardship with respect to the increase in height is due to the substandard nature of the lot; that the subject property is zoned RM-5 which allows for a greater Floor Area Ratio (“FAR”); that the garage tends to push the first floor out of the ground; that, again there is no alley access for the subject property; that he did not believe one could build the maximum allowable FAR without seeking variations on a substandard lot with RM-5 zoning; and

WHEREAS, Ms. Bloch began her case-in-chief; and

WHEREAS, Mr. Howard Goldman, of 650 W. Melrose, testified in objection to the application; that his credentials as an expert in architecture were acknowledged by the Board; that 650 W. Melrose is a substandard lot; that he did not obtain any variations when he built his multi-unit building at 650 W. Melrose; that he made a profit on his multi-unit building; that the existing setbacks at the subject property would preclude building the maximum FAR as of right; that in building 650 W. Melrose, he did not maximize the FAR and is under the FAR allowed; that he then described alternative ways the Applicant could design its Building without maximizing the FAR; that this would make a more saleable building; and

WHEREAS, Mr. Jim Faier, of 656 W. Melrose, testified in objection to the application; that his property at 656 W. Melrose is 25’ x 116.12’; that his windows along the west of his building will be blocked by the Applicant’s Building, including the windows of his children’s bedrooms; and

WHEREAS, Mr. George Blakemore testified as a concerned citizen as to reasonable returns; and

WHEREAS, in closing, Mr. George entered into evidence findings of the Board dated September, 19, 2003 in which Mr. Faier asked for and was granted variations to the side-yard setback, the rear yard setback and the height for 656 W. Melrose; that in the findings, Mr. Faier claimed hardship due to the size of the lot; that, in addition, the Applicant has withdrawn its request for east setback relief; that the Applicant will be complying with this Zoning Ordinance for the east side setback; that with respect to the Applicant's request for a rear yard setback, Mr. Faier's home extends into the rear yard setback the same distance as the Applicant's proposed Building; and

WHEREAS, the Board reminded both the Applicant and Objectors that the Board did not set precedent and considered each case individually; 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 a reduction of any setback; and

WHEREAS, Section 17-13-1101-A of the Chicago Zoning Ordinance grants the Zoning Board of Appeals authority to grant a variation to permit an increase of up to 10% in the height of a building that does not comply with applicable zoning district height limits; 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 variations:

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 subject property has a substandard lot depth and lacks rear alley access. Further, the requested variations are consistent with the stated purpose and intent of this Zoning Ordinance.

2. The Board finds pursuant to Section 17-13-1107-B that the Applicant has proved 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 due to the subject property's short lot depth and the lack of rear alley; (2) the practical difficulty or particular hardship of the property – namely, the substandard lot depth and lack of rear alley which results in an inability to build the proposed Building without the requested setback and height variations – is due to unique circumstances and is not generally applicable to other similarly situated property as a standard City lot is 25' x 125' and has access to a rear alley; and (3) the variations, if granted, will not alter the essential character of the neighborhood as Mr. Kisiel very credibly testified that the proposed variations will allow the Applicant to develop the

subject property to levels consistent with the size and character of other development in the neighborhood.

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 substandard lot depth and the lack of the rear alley – would result in particular hardship upon the Applicant if the strict letter of the regulations were carried out; (2) the conditions upon which the petition for the variations are based are not applicable, generally to other property in the RM-5 zoning district; (3) the purpose of the variations are not based exclusively upon a desire to make more money out of the property as the property is zoned RM-5 and even Mr. Goldman admitted that the Applicant could probably not build to the FAR to which the Applicant is entitled under RM-5 zoning with the existing setbacks; (4) the substandard lot depth and the lack of rear alley access has not been created by the Applicant; (5) the granting of the variations will not be detrimental to public welfare or injurious to other property as very credibly testified to by Mr. Kisiel and Mr. Berger; and (6) the proposed variations will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood as very credibly testified to by Mr. Kisiel and Mr. Berger.

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

RESOLVED, the aforesaid variation applications are hereby approved, and the Zoning Administrator is authorized to permit said variations.

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



**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

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



JUN 22 2016  
CITY OF CHICAGO

**Susan Lee & John Hollender**  
APPLICANTS

**499-15-Z & 500-15-Z**  
CALENDAR NUMBERS

**4508 N. Damen Avenue**  
PREMISES AFFECTED

**February 19, 2016  
& April 15, 2016**  
HEARING DATES

**Sara Barnes**  
APPEARANCE FOR APPLICANT

**Jeffery Shure & Scott Silkey**  
OBJECTORS

**NATURE OF REQUESTS**

Setback Reduction

Application for a variation to reduce the front setback from 32.97' to 24.57', to reduce the rear setback from 38.78' to 21.52'; to reduce the north side setback from 3.21' to 2.14'; and to reduce the combined side setback from 8.03 to 6.16 for a proposed second floor, duplex-up addition to the existing attic of a two-story two-unit building, to add a rear three-story open porch and an open side stairwell, providing access to a basement which will become a duplex-down unit from the existing first floor; a front attached three-car garage that is accessed directly from North Damen Avenue will also be provided.

Height Increase

Application for a variation to increase the pre-existing height of 35.75' by no more than 10% (2.83') for a proposed second-floor, duplex-up addition to the existing attic of a two-story two-unit building, to add a rear three-story open porch and an open side stairwell, providing access to a basement which will become a duplex-down unit from the existing first floor; a front attached three-car garage that is accessed directly from North Damen Avenue will also be provided.

**ACTION OF BOARD**

**THE VOTE (SETBACK REDUCTION)**

The application for a variation to reduce the setbacks is denied.

	APPROVE	DENY	ABSENT
Blake Sercye, Chairmain	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sol Flores	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**APPROVED AS TO SUBSTANCE**  
  
CHAIRMAN

**ACTION OF BOARD**

**THE VOTE (HEIGHT INCREASE)**

The application for a variation to increase the height is approved.

	APPROVE	DENY	ABSENT
Blake Sercye, Chairmain	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sol Flores	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 February 19, 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 additional notice as provided under Section 17-13-0108-A of this Zoning Ordinance to April 15, 2016; and

WHEREAS, Ms. Sara Barnes, counsel for the Applicant, explained the underlying history of the subject property and the underlying basis of the relief sought; and

WHEREAS, Ms. Susan Lee Hollender, one of the Applicants, testified in support of the application; that she and her husband purchased the subject property three (3) years ago; that the subject property is quite irregularly shaped; that moreover, the subject property is situated between two (2) other improved lots with no access to the public alley; that the subject property has no access to the alley because her neighbor next south has a rear garage that completely blocks access to the alley; that the subject property is currently improved with a two-and-a-half story multi-unit building ("Building") from the late 1880s; that when she and her husband purchased the subject property, the Building was improved with two (2) dwelling units, one of which was a single use occupancy ("SRO") unit that was in the attic; that she intends to maintain two (2) dwelling units within the Building because her mother will be living in one of the units and she, her husband, and her two children will be living in the other unit; that the subject property is completely land-locked with no way for vehicles to access or park; that every residential building on the block has on-site parking and a garage with the exception of the thirty (30) unit apartment building and the multi-unit building at 4546 N. Damen; that constructing a garage on the subject property will in fact make the subject property more in character with the neighborhood; that she seeks to erect an attached three-car garage off the south end of the front of the Building; that to permit the garage, she seeks a variation to reduce the required front yard setback from 32.97' to 24.57'; that her hardship with respect to the garage is that she is entitled and required to provide off-street parking for the Building under this Zoning Ordinance; and

WHEREAS, Ms. Hollender further testified that she intended to rehabilitate the Building by demolishing and removing the existing rear porch and basement stair to allow for the erection of a new three-story open deck and stair system; that to permit this work, she seeks a variation to reduce the required north side setback from 3.21 feet to 2.14 feet, to reduce the combined side yard setback from 8.03 feet to 6.16 feet, and to reduce rear setback from 38.78 feet to 21.52 feet; that the proposed rehabilitation of the Building also includes the partial build-out of the third story attic; that the partial build-out of the third story attic will entail dormering the north and south sides of the existing roof structure; that the dormering was designed to maintain the established height and setback conditions that have existed on the property for almost 120 years; that therefore she is also seeking a variation to increase the Building's height by not more than ten percent (10%); that she and her husband purchased the subject property for just under \$400,000; that she and her husband have budgeted an additional \$800,000 to complete the rehabilitation of the Building;

WHEREAS, Mr. Victor Drapszo testified on behalf of the Applicants; that his credentials as an expert in architecture were acknowledged by the Board; that in response to questions asked by the Board, he testified that the RS-3 zoning district required one and half parking spaces per unit; that the Applicants' program of development has two (2) units; that therefore, the Applicants must provide three (3) on-site parking spaces; that the Bureau of Zoning viewed the two (2) kitchens the Applicants are proposing to add as part of the rehabilitation as two (2) units; that the subject property never had a garage as it stops just short of the alley; that the Applicants only own two-and-a-half (2 ½) feet to get to the alley to throw out the trash; and

WHEREAS, the Board stated that with respect to self-imposed hardship, the Applicants purchased the subject property knowing it did not have alley access and that such alley access would not be able to be resolved; and

WHEREAS, Ms. Barnes explained that under Section 17-2-0402 of this Zoning Ordinance, the Applicants could resolve their lack of parking; and

WHEREAS, the Board stated that while the Applicants could perhaps resolve their lack of parking under Section 17-2-0402 of this Zoning Ordinance, a front attached garage is not in keeping with the architectural character of the rest of the block; and

WHEREAS, Mr. Drapszo further testified that perhaps a front attached garage was not in keeping with the architectural character of the rest of the block but throughout the rest of the neighborhood and other neighborhoods in the City there are similar situations; and

WHEREAS, the Board stated that in keeping with the character of this type of house and on this type of block, the front attached garage is highly unusual and sets a precedent in the other direction; and

WHEREAS, Ms. Barnes stated that there would only be a precedent if other properties were landlocked; that this is a very unique situation; and

WHEREAS, the Board asked if there are any other examples of a front attached garage on this block or adjacent blocks; and

WHEREAS, Ms. Barnes explained that no other property is landlocked in the back like the subject property; and

WHEREAS, the Board inquired as to how, should the Applicants request with respect to the front setback be granted, the Applicants would obtain a curbcut as Alderman Pawar ("Alderman") does not support the Applicants request before the Board; and

WHEREAS, Ms. Barnes explained that though the Alderman was unsure about the Applicant's request due to the alleged restrictive covenant, that should the variation be granted, he would support the Applicants' curb cut; and

WHEREAS, Mr. Terrance O'Brien 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 his findings are contained in his report on the subject property; his report was submitted and accepted by the Board; that he then orally testified to the contents of his report; and

WHEREAS, Mr. Geoffrey Shure, of 4512 N. Damen, testified in objection to the application; that the Alderman is opposed to the Applicants' request; that the Applicants were aware that the subject property had no alley access before they purchased the subject property; that there is a covenant that runs with the land that requires that the homes be set back forty-eight (48) feet from the curb of the street, which is basically forty (40) feet from the sidewalk; and

WHEREAS, Mr. Shure submitted a true and correct copy of said covenant to the Board; that the Board accepted such true and correct copy of said covenant; and

WHEREAS, Mr. Shure continued to testify in objection to the application; that the Applicants arguments with respect to parking are frivolous; that he himself is able to park in front of his house at least fifty percent (50%) of the time; that otherwise, he parks very close to his house; that North Damen does not have metered or permit parking; that the covenant is written into his title policy; that he then submitted and the Board accepted a copy of his title policy showing the covenant; and

WHEREAS, Ms. Barnes argued that the validity of the covenant is something to be determined by a court of law; and

WHEREAS, the Board agreed with this assessment; and

WHEREAS, Ms. Barnes continued that the Board is not vested with the authority to make a legal conclusion with respect to the covenant; that moreover, several other buildings on the block including Mr. Shure's own home violate the alleged covenant; and

WHEREAS, Mr. Scott Silkey, of 4504 N. Damen, also testified in objection to the application; that he objects to the curb cut as said curb cut might have to reduce the allowance for the bus stop; and

WHEREAS, the Board requested that Ms. Barnes brief the issue of the validity of the covenant; that in the event the covenant was valid, the Board needed to understand how any decision the Board made interacted with the covenant; and

WHEREAS, Mr. Nick Ftikis, co-counsel for the Applicant, explained that it was his understanding that unless and until the Board granted the Applicants' request, a court would not rule on the validity of the covenant; and

WHEREAS, the Board continued the hearing for Ms. Barnes to brief the issue; and

WHEREAS, the Board resumed the hearing on April, 15, 2016; and

WHEREAS, the Board thanked Ms. Barnes for her brief; that however, while the case law cited by Ms. Barnes that courts are not inclined to uphold restrictive covenants when they have been substantially violated over time was persuasive, Section 17-1-1003 of this Zoning Ordinance does state, in relevant part: "This Zoning Ordinance is not intended to interfere with, abrogate or annul any easement, covenant, deed restriction or other agreement between private parties;" that based on Section 17-1-1003, the Board cannot grant the relief the Applicants seek; and

WHEREAS, Ms. Barnes argued that the Board would not be violating the restrictive covenant; that the covenant is void as a matter of law due to the conduct that has taken place over a long period of time; and

WHEREAS, Mr. Shure testified that it was his understanding that the covenant can only be abrogated by a court; that the Applicants' brief is devoid of an official court proceeding that abrogates the covenant; that all the case law cited by Ms. Barnes is not applicable; that if the Applicants wish to proceed with their variation, they need to petition the court to abrogate the covenant; and

WHEREAS, Ms. Barnes argued that case law establishes that the burden of going to court is placed upon the party attempting to uphold the covenant not the party seeking to develop the property; and

WHEREAS, Ms. Barnes then reminded the Board the Applicants did have two separate requests for variations; and

WHEREAS, the Board stated it would consider Board Calendar Numbers 499-15-Z and 500-15-Z as separate and distinct during its deliberations; 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 a reduction in 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 for setback reduction:

1. The Board finds pursuant to Section 17-13-1107-A that the Applicants have not proved their 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. Further, the requested variation is not consistent with the stated purpose and intent of this Zoning Ordinance because it fails to protect the character of the established residential neighborhood as required by Section 17-1-0503.
2. The Board finds pursuant to Section 17-13-1107-B that the Applicants have not proved by testimony and other evidence that the variation, if granted, will not alter the essential character of the neighborhood. While Applicants argued that all other properties on the block have a garage, no other property on the block has a front-facing attached garage. Such a garage would drastically alter the essential character of the neighborhood. Moreover, the covenant produced by Mr. Shure requires that the homes on this block be set back forty-eight (48) feet from the street. This forty-eight (48) foot setback creates a general plan of development for the neighborhood. The requested variation would violate this covenant and, in consequence, alter the plan of development for the neighborhood. While Applicants spent much time in their brief arguing that other improvements on the block have not abided by this covenant, a holding that the character of the neighborhood is so changed that the covenant has been nullified rests with a court sitting in equity and is beyond the purview of the Board.<sup>1</sup> Unless and until such a holding is made, the Board has no choice but to find that the covenant is valid and enforceable and that to allow the covenant to be violated would not only alter the essential character of the neighborhood but also violate this Zoning Ordinance.<sup>2</sup>

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<sup>1</sup> The Board notes that contrary to Applicants' contentions, a property owner does have the ability to file a declaratory judgment action to nullify a restrictive covenant upon his or her own property. *Tones Inc. v. LaSalle Nat'l Bank of Chicago*, 34 Ill.App.3d 236, 241 (1st Dist. 1979).

<sup>2</sup> In particular, it would violate Section 17-1-1003. See *Exchange Nat'l Bank of Chicago v. City of Des Plaines*, 32 Ill.App.3d 722, 730 (1st Dist. 1975) (In interpreting a provision nearly identical to Section 17-1-1003, the appellate court held "if...the [zoning] ordinance is to have any meaning, [the city of Des Plaines] must have the power to deny zoning changes because of covenant restrictions").

RESOLVED, the Board finds that the Applicants have not 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 for setback reduction is hereby denied.

WHEREAS, Section 17-13-1101-A of the Chicago Zoning Ordinance grants the Zoning Board of Appeals authority to grant a variation to permit an increase of up to 10% in the height of a building; 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 Applicants' application for variation for a height increase:

1. The Board finds pursuant to Section 17-13-1107-A that the Applicants have proved their 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. Further, the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance.
2. The Board finds pursuant to Section 17-13-1107-B that the Applicants have proved by testimony and other evidence that: (1) the reasonable return of the subject property is not relevant as the Applicants currently own and occupy and will continue to own and occupy the Building on the subject property; (2) the practical difficulty or particular hardship of the subject property – namely, the fact that the Building was built prior to current Zoning Ordinance – is due to unique circumstances and not generally applicable to other similarly situated property; and (3) the variation, if granted, will not alter the essential character of the neighborhood as the existing Building will not change. The Applicants will merely dormer the current attic to create a livable third floor.
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 currently nonconforming Building – would result in particular hardship upon the Applicant if the strict letter of the regulations were carried out; (2) a nonconforming Building from the late 1800s is not applicable, generally, to other property in the RS-3 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 Applicants will continue to reside at the subject property; (4) the nonconforming late 1800s Building on the subject property was not created by the Applicants; (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 the existing envelope of the Building will remain unchanged.

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 for height increase 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  
121 North LaSalle Street  
Chicago, Illinois 60602  
TEL: (312) 744-3888



JUN 22 2016  
CITY OF CHICAGO

**Finprom, Inc.**

APPLICANT

**18-16-Z**

CALENDAR NUMBER

**1310 N. Cleveland**

PREMISES AFFECTED

**April 15, 2016**

HEARING DATE

**Mark Kupiec**

APPEARANCE FOR APPLICANT

**Ald. Hopkins & Others**

OBJECTORS

**NATURE OF REQUEST**

Application for a variation to reduce the rear setback from 33.3' to 1'; to reduce the north side setback from 4.2' to 3' 8"; to reduce the south side setback from 4.2' to 3'; and to reduce the combined side setback from 10.6' to 5.8' for a proposed three-story four-unit building with an attached four-car garage, accessed directly from North Cleveland.

**ACTION OF BOARD**

**THE VOTE**

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

	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 type="checkbox"/>	<input checked="" 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 April 15, 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 for vote on May 20, 2016 by absent Board members pursuant to 65 ILCS 5/11-13-3(e), without further notice as provided under Section 17-13-0108-A of this Zoning Ordinance; and

WHEREAS, Mr. Mark Kupiec, counsel for the Applicant explained the underlying nature of the relief sought; that the subject property is quite irregularly shaped; that he then submitted a zoning map into the record showing that this particular block of Cleveland ends on the south at Clybourn; that Clybourn is an angle street; that in consequence, a number of lots on the block become irregular; that the rear lot line of the

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

subject property runs at an angle; that moreover, the subject property is a short lot; that the south side lot line is 57.8' deep and the north side lot line is 111' deep; that a standard City lot is 125' deep; that the subject property is really comprised of two separate lots that historically have had two separate buildings; that because of the unique size and shape of the lots, the Applicant proposed to put the two lots together and build one building with four (4) units; and

WHEREAS, Mr. Mike Sheremet, an officer of the Applicant, testified on behalf of the application; that the Applicant purchased the subject property for \$760,000; that the estimated cost of the construction for the proposed building is \$950,000; that the Applicant estimates selling the four (4) units for \$2.2 million; that the estimated sales price is with the requested variation granted; that if the requested variation was denied, units would be sold for less money; that there was a concern that the units would not sell because they would be too small; that the Applicant is estimating a profit margin of 14%; that without the requested variation, the Applicant would not be able to achieve a profit margin of 14%; that the Applicant therefore requires the variation to make a reasonable return on its investment; and

WHEREAS, Mr. John Hanna, president of Hanna Architects, testified on behalf of the Applicant; that he is the project architect; that he met with some of the neighbors and the neighbors expressed concerns with respect to the front elevation; that based on these concerns, the front elevation has been modified; that the subject property is irregularly shaped and very small as the south side is only about 57' deep; that as the required front setback is 15' and the required rear setback is 33', this would leave 8' for the Applicant to build a building; that he then testified as to what could be built without the requested rear yard reduction; that even without the requested rear yard reduction, it would be incredibly difficult to even build a single-family home on the lot; that due to the fact that the Applicant combined the two lots, there is a large side setback requirement because side setbacks are a percentage of lot width; that the Department of Planning and Development ("Department") is requiring side setbacks of 4.2'; that the Applicant is asking for 3' side setbacks; that the Applicant is willing to provide a 3' 6" side setback on the north side of the subject property; that he had personally taken over 30 pictures of every side setback on the block; and

WHEREAS, the Board received those pictures into evidence; and

WHEREAS, Mr. Hanna further testified that pictures were true and accurate depictions of the current buildings on the block; that based on his inspection of the block, the 3' side setbacks compare favorably with other buildings on the block; that the Applicant was no longer requesting the reduction of rear yard open space as part of the negotiations with the neighbors involved lowering the deck to 4' above grade; that another unique feature of the subject property is that there is no rear alley; that as a result, the Applicant needs to locate its parking underneath the proposed building; that the subject property is currently zoned RT-4; that the floor area ratio ("FAR") in a RT-4 zoning district is 1.2; that to fit a 1.2 FAR on the subject property, a variation is required; that the height limit in a RT-4 district is 38'; that since the Applicant cannot go any

higher, the only way to fit a 1.2 FAR on the subject property is to go sideways; that this is what requires the side setback relief; that strict compliance with this Zoning Ordinance would create practical difficulties; that the requested variation is consistent with the stated purpose of this Zoning Ordinance; that there are unique features due to the size and shape of the lot; that the variation if granted will not alter the essential character of the neighborhood; that the particular size and shape of the lot creates hardship; that practical difficulties were not created by the Applicant; that granting the requested variation will not be detrimental to the public welfare or injurious to other property in the neighborhood; that the proposed variation will not impair an adequate supply of light and air to the adjacent properties or substantially increase congestion in the streets; and

WHEREAS, Mr. Frederick Phillips testified on behalf of the Applicant; that his family trust owns the subject property; that his family trust has owned the subject property for 10 years; that during those 10 years there has only been one offer to develop the subject property; that said offer is from the Applicant; that the lack of interest in the subject property is due to the unique size and shape of the lot; that he is an architect; that in his opinion, the proposed building will not alter the essential character of the neighborhood; and

WHEREAS, Mr. Jon Hiatt, of 1306 N. Cleveland, testified in objection to the application; that he is a licensed architect in the State of Illinois; that he does not understand how a unique lot creates hardship; that he believes the proposed design will create small bathrooms; that the proposed building will not fit in with the character of the neighborhood; that reasonable return is not just zoning; and

WHEREAS, Ms. Liz Hayes, of 1306 N. Cleveland, testified in objection to the application; that she objects because she feels there should be a formal separation between the subject property and her own; that the proposed design shows rain barrels abutting her property and she feels this is a safety issue; that she is concerned about fire safety; that she also does not believe the garden units will sell; and

WHEREAS, Mr. David Arquilla, of 1314 N. Cleveland, testified in objection to the application; that he is a real estate broker; that he wishes to see quality construction in the neighborhood; that the Applicant overpaid for the subject property; that had the Applicant not overpaid for the subject property, he could afford to put only 2 units rather than 4 units in the building; that he would then still make a profit and also build something that would benefit the community; and

WHEREAS, Ms. Julie Hegelmann, of 1314 N. Cleveland, testified in objection to the application; that the Applicant overpaid for the subject property; that the proposed building will have units much smaller than other units in the neighborhood; that over time this will create decline in the neighborhood because there will be no resale value on these units; that she objects to the design of the proposed building, especially the design for trash management; that the proposed building does not fit within the character of the neighborhood; and

WHEREAS, Mr. George Blakemore testified that it was his belief the Applicant and the objectors should have a community meeting; and

WHEREAS, Alderman Hopkins testified in objection to the application; that he did have two community meetings on the application; that at the second community meeting, the representatives of the development team, including Mr. Kupiec, Mr. Hanna and Mr. Phillips attended; that there was a good spirited discussion with representatives of the neighborhood, including the neighbors north and south of the subject property; that as a result of the discussion, the Applicant did modify the façade of the proposed building; that while the Board does not get into design and aesthetic questions, the modification of the design showed good faith on the part of Mr. Hanna; that the second request from the meeting was a request that the Applicant reduce its net request for setback reduction by 20%; that this Mr. Hanna was unable to offer; that the Applicant did propose to reduce the relief to the north side setback slightly but only by 6"; that in consequence, his objection to the variation remained; and

WHEREAS, in response to the concerns raised by the objectors, Mr. Hanna further testified that due to the wording of the request, the Applicant was unsure as to what requested; that the Applicant had a 3' side yard setback; that 20% of 3' is about 7"; that the Applicant offered 3' 6" on the north side setback as that is where most of the objectors lived; that the Applicant could provide 3' 7" on the north side setback to satisfy the 20% request; that the rain barrels were put into the plan of development because someone at one of the community meetings requested the rain barrels; that the Applicant can remove the rain barrel on the side yard; and

WHEREAS, in response to questions by the Board, Mr. Sheremet further testified that the Applicant could not make a reasonable return on its investment unless the Applicant built 4 units as otherwise the price of the subject property would be too high; and

WHEREAS, Mr. Kupiec explained that the Applicant is entitled to 4 units as of right under the RT-4 zoning district; that the relief for which the Applicant is seeking does not give the Applicant the right to build 4 units but instead it gives the right to the size of the building; that the Applicant is seeking 3 items of relief: (1) the reduction to the rear setback, which would be necessary for any building built on the subject property; (2) the south side setback, which borders 1306 N. Cleveland which is also set 3' from the property line; and (3) the north side setback, which the Applicant is requesting a reduction from 4.2' to 3.5'; and

WHEREAS, in response to further questions by the Board, Mr. Kupiec explained that this is not a case of self-created hardship due to the purchase price of the subject property because the hardship in this case is in the size and shape of the subject property; that the Applicant and architect agree that the Applicant can increase the north side setback to 3' 8"; that the subject property has been vacant for ten years; that the neighborhood would benefit if a building were built on the subject property; 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 due to the unique size of the subject property and the subject property's lack of alley access. Further, the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance as this Zoning Ordinance.
2. The Board finds pursuant to Section 17-13-1107-B that the Applicant has proved 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 the Applicant is entitled to 4 unit as of right but the unique size and shape of the lot do not allow 4 units to be built without the requested variation; (2) the practical difficulty or particular hardship of the property – namely, the unique size and shape of the lot as well as the lack of rear alley– is due to the 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 Mr. Hanna.
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 unique size and shape of the lot and the lack of a rear alley– would result in particular hardship upon the Applicant if the strict letter of the regulations were carried out; (2) the unique size and shape of the subject property as well as the subject property's lack of a rear alley are not applicable, generally, to other property in the RT-4 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. Sheremet credibly testified that he would only make a 14% estimated return on the Applicant's investment; (4) the unique size and shape of the subject property and the subject property's lack of alley access were not 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 due to the conditions imposed by the Board and agreed to by the Applicant; 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 due to the conditions imposed by the Board and agreed to by the Applicant.

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 subject to the following conditions, pursuant to the authority granted by Section 17-13-1105 of this Zoning Ordinance,

1. The north side setback shall be reduced from 4.2' to 3' 8"; and
2. The rain barrel in the side yard shall be removed from the Applicant's proposed plan of development.

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