

**ZBA
MINUTES
SEPTEMBER 15, 2017**

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



OCT 23 2017

**CITY OF CHICAGO
ZONING BOARD OF APPEALS**

Islamic Center of Chicagoland, Inc.

APPLICANT

**192-16-S, 193-16-S &
194-16-S**

CALENDAR NUMBERS

4846 N. Elston & 4856 N. Elston

PREMISES AFFECTED

September 15, 2017

HEARING DATE

ACTION OF BOARD

THE VOTE

The request to extend the period of validity for each of the three special uses is approved.

Blake Sercy
Shaina Doar
Sol Flores
Sam Toia
Amanda Williams

AFFIRMATIVE	NEGATIVE	ABSENT
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**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE REQUEST TO EXTEND THE PERIOD OF
VALIDITY FOR EACH OF THE THREE SPECIAL USES FOR 4846 N. ELSTON
AND 4856 N. ELSTON BY ISLAMIC CENTER OF CHICAGOLAND, INC.**

I. BACKGROUND

On September 16, 2016, the ZONING BOARD OF APPEALS granted approval for three special uses to Islamic Center of Chicagoland, Inc. (the "Applicant"). These special uses were as follows: (1) a special use to permit the establishment of a community center in an existing single story building at 4856 N. Elston Avenue; (2) a special use to permit the establishment of a religious assembly facility at 4846 N. Elston Avenue; and (3) a special use to permit the establishment of accessory off-site parking lot at 4856 N. Elston Avenue to serve the religious assembly facility located at 4846 N. Elston Avenue. A special use is valid for twelve (12) months from the date the ZONING BOARD OF APPEALS grants approval unless a complete application for a building permit is submitted and diligently pursued or the use is commenced. If a complete building permit application is not submitted or the use is not commenced within such time, the approval granted by the ZONING BOARD OF APPEALS becomes null and void.

APPROVED AS TO SUBSTANCE

CHAIRMAN

Prior to September 16, 2016, the Applicant submitted a written request for extension of this twelve (12) month period for all three of its special uses in accordance with Section 17-13-0909-B of the Chicago Zoning Ordinance.

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's request for an extension on the three special uses at its regular meeting held on September 15, 2017.

The Applicant's attorney Mr. Nick Ftikas explained that the Applicant had obtained its building permit for the community center portion of the Applicant's program of development. However, he stated that the Applicant had made the decision to phase its program of development due to financing as well as structural issues that affected the existing building at 4846 N. Elston. He stated that the Applicant therefore requested an extension for all three special uses to make sure that the religious assembly component and its off-street parking would be able to get through the building permit process.

The ZONING BOARD OF APPEALS first incorporated the record of the September 16, 2016 hearing and then inquired if the Applicant's plans had changed with respect to any of the three special uses.

Mr. Ftikas explained that none of the Applicant's plans had changed. He explained that over the course of the year, the plans had become more detailed as the City's Department of Buildings required additional information – such as structural and mechanical drawings – for building permits to issue.

Ms. Lisa Stringer, of 4880 N. Kilpatrick, objected to the request for an extension. She testified that all of the concerns with respect to safety, traffic and economic impact she and others had raised at the September 16, 2016 hearing were still valid as the Applicant had failed to address any of these concerns.

The ZONING BOARD OF APPEALS stated that although its control after granting approval was limited, it hoped that the Applicant was not being a bad neighbor.

Mr. Ftikas stated that he understood the ZONING BOARD OF APPEALS' concern. He further stated that the Applicant's development always involved two components: (1) a community center; and (2) a religious assembly facility. He reiterated that the building permit for the community center had issued and that the Applicant desired the extension so that it could maintain approvals for the religious assembly facility.

The ZONING BOARD OF APPEALS inquired if the Applicant had received any complaints from the community.

Mr. Ftikas stated that the Applicant has kept in dialogue with Alderman Laurino's office and had informed her of its decision to phase its program of development. He stated that Alderman Laurino's office did not inform either himself or the Applicant of any issues. He stated that Alderman Laurino is not shy and that if there were any issues, Alderman Laurino would reach out to the Applicant.

The ZONING BOARD OF APPEALS inquired if Ms. Stringer had brought her complaints to Alderman Laurino's office.

Ms. Stringer testified that it was her belief that Alderman Laurino's office ignored her complaints.

B. Criteria for an Extension

Pursuant to Section 17-13-0909-B of the Chicago Zoning Ordinance, the ZONING BOARD OF APPEALS may, at its discretion and upon good cause shown, extend the period of validity of special use approval for a period not to exceed 12 months. To grant such extension, the ZONING BOARD OF APPEALS must receive a written request from the applicant stating the reasons for the proposed extension. Such extension must be made before expiration of the special use approval.

III. FINDINGS OF FACT

After careful consideration of the evidence, testimony and the entire record, the ZONING BOARD OF APPEALS hereby makes the following findings with reference to the Applicant's request for extension pursuant to Section 17-13-0909-B of the Chicago Zoning Ordinance:

1. The ZONING BOARD OF APPEALS received the Applicant's written request for extension prior to the expiration of its special use approval.
2. The Applicant has made an adequate showing of good cause. As explained by Mr. Ftikas, the Applicant – due to financing as well as structural issues that affect the existing building at 4846 N. Elston – has decided to phase its development of 4856 and 4846 N. Elston. Consequently, although the Applicant has received its building permit for its community center, it has not yet received its building permit for its religious assembly facility and off-street parking.

IV. CONCLUSION

For all of these reasons, the ZONING BOARD OF APPEALS finds that the Applicant has proved its case by evidence, testimony and the entire record, covering the specific criteria for an extension pursuant to Sections 17-13-0909-B Chicago Zoning Ordinance.

The ZONING BOARD OF APPEALS hereby grants the Applicant's three special uses a twelve (12) month extension until September 15, 2018.

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

MINUTES OF MEETING

Date: September 15, 2017

Nick Ftikas, Attorney for the Applicant, presented a written request for an extension of time in which to establish a community center, a religious assembly and an accessory off-site parking lot to serve the religious assembly on premises located at 4846 N. Elston Avenue and 4849 N. Elston Avenue. The special uses were approved on September 16, 2016 in Cal. Nos. 192-16-S, 193-16-S and 194-16-S.

Mr. Ftikas stated that his client is in the process of funding, raising, and structural engineering needed to renovate the existing building and will not be able to obtain the necessary permits within the one year validity period.

Blake Sercye moved the request be granted and the time for obtaining the necessary permit be extended to November 02, 2018.

Yeas – Sercye, Doar, Flores, Toia, Nays – None.



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CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE

CHAIRMAN

MINUTES OF MEETING

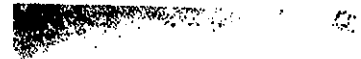
Date: September 15, 2017

Nick Ftikas, Attorney for the Applicant, presented a written request for an extension of time in which to establish and expand the area and use of an existing transfer station and facility in conjunction with Class II, Class III and Class V recycling uses and to establish, locate a Class III recycling facility in conjunction with a proposed expanded transfer station operation, and to establish and locate a Class V recycling facility in conjunction with a proposed expanded transfer station operation at the subject property located at 4121 S. Packers Avenue. The special uses were approved on September 16, 2016 in Cal. Nos. 450-16-S, 451-16-S and 452-16-S.

Mr. Ftikas stated that his client is in the process of completing mandated environmental permitting, as well as finalizing financing for the proposed facility and will not be able to obtain the necessary permits within the one year validity period.

Blake Sercye moved the request be granted and the time for obtaining the necessary permit be extended to November 02, 2018.

Yeas – Sercye, Doar, Flores, Toia, Nays – None.



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CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE

A handwritten signature in black ink, appearing to be "B. Sercye", written over a horizontal line.

CHAIRMAN

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

MINUTES OF MEETING

Date: September 15, 2017

Andrew Scott, Attorney for the Applicant, presented a written request for an extension of time in which to establish a one hundred fifty-six room hotel at the subject property located at 1523 N. Fremont Street. The special use was approved on September 16, 2016 in Cal. No. 410-16-S.

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

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

Yeas – Sercye, Doar, Flores, Toia, Nays – None.



OCT 23 2017

**CITY OF CHICAGO
ZONING BOARD OF APPEALS**

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Addivy Properties, LLC

CAL NO.: 534-17-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
September 15, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 5451-55 N. Broadway

NATURE OF REQUEST: Application for a variation to expand an existing public place of amusement license to the rear of 5451-55 N. Broadway into 1135-37 W. Catalpa Avenue for a second performance theater which is located within 125' of a residential zoning district.

**ACTION OF BOARD-
VARIATION GRANTED**

OCT 23 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

THE VOTE

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

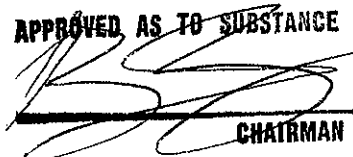
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 15, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 1, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to expand an existing public place of amusement license to the rear of 5451-55 N. Broadway into 1135-37 W. Catalpa Avenue for a second performance theater 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: Benjamin Sitt

CAL NO.: 535-17-S

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:

September 15, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4521 W. Lawrence Avenue

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

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

OCT 23 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 15, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 1, 2017; and

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

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

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Melissa Gomez **CAL NO.:** 536-17-S

APPEARANCE FOR: Same as Applicant **MINUTES OF MEETING:**
September 15, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1754 W. Division Street

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

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

OCT 23 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

THE RESOLUTION:


WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 15, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 1, 2017; and

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

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

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



OCT 23 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

2037 N. Kenneth, Inc.

APPLICANT

537-17-Z & 538-17-Z

CALENDAR NUMBERS

2355 W. Flournoy Street

PREMISES AFFECTED

September 15, 2017

HEARING DATE

ACTION OF BOARD

THE VOTE

The applications for the variations are approved.

Blake Sercye
Shaina Doar
Sol Flores
Sam Toia
Amanda Williams

AFFIRMATIVE	NEGATIVE	ABSENT
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**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE VARIATION APPLICATIONS FOR 2355 W.
FLOURNOY STREET BY 2037 N. KENNETH, INC.**

I. BACKGROUND

2037 N. Kenneth, Inc. (the "Applicant") submitted two variation applications for 2355 W. Flournoy Street (the "subject property"). The subject property is currently zoned B3-3 and is currently improved with a one-story retail building. The Applicant proposed to raze the existing improvements and redevelop the subject property with a new four-story mixed-use building that would contain retail/office space at grade and twenty-one (21) residential units above. To permit said development, the Applicant sought variations to: (1) reduce the rear setback for floors containing residential units from the required 30' to 0'; and (2) waive the one (1) required loading berth.

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's variation applications at its regular meeting held on September 15, 2017, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Sun-Times*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure, the Applicant had submitted its proposed Findings of Fact. The Applicant's project manager Mr. Andrew Stetsyuk and its attorney Mr. Nick Ftikas were present at the hearing. The Applicant's architect Mr. John Hanna was also

APPROVED AS TO SUBSTANCE

CHAIRMAN

present. Testifying in opposition to the applications were Mr. Saul Gallardo, of 710 S. Claremont Avenue, and Mr. George Blakemore, address unknown. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

The Applicant's attorney Mr. Nick Ftikas explained that the subject property measured 80' wide by only 108.75' deep. Mr. Ftikas explained that due to the short lot depth of the subject property, the Applicant sought the requested variations.

The Applicant presented the testimony of its project manager Mr. Andrew Stetsyuk. He testified that the Applicant owned the subject property. He testified that although the Applicant had a 80' frontage along Western Avenue it only had a 108.75' frontage along West Flournoy Street. He testified as to the Applicant's plan of development for the subject property and that it was his understanding that it was the short lot depth of the subject property that necessitated the requested variations.

The Applicant presented the testimony of its architect Mr. John Hanna. Mr. Hanna testified that he designed the Applicant's program of development for the subject property. He testified that the subject property's short lot depth created practical difficulties or particular hardship with respect to permitting the Applicant's proposed new development.

Mr. Ftikas then explained that he and the Applicant had met with Mr. Gallardo. He stated that while he did not want to speak for Mr. Gallardo, he believed Mr. Gallardo's concerns stemmed from the height and density of the Applicant's proposed new development. Mr. Ftikas stated that the height and density of the Applicant's proposed new development were permitted as of right. Mr. Ftikas further stated that he believed Mr. Gallardo also had concerns relating to parking as well as the design of the rear of the proposed building. Mr. Ftikas stated that he believed these concerns had been addressed but did not wish to speak for Mr. Gallardo.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Gallardo stated that his concerns had been somewhat resolved now that the Applicant had explained its parking plan and the height of the proposed new development. He testified that his neighborhood had become overly developed and that he had not had a good experience with developers. He testified that his property used to get flooded due to the development. He testified that due to the Applicant's development, he would no longer be able to see the sunset.

In response to Mr. Gallardo's testimony and in response to questions by the ZONING BOARD OF APPEALS, Mr. Ftikas explained that although the Applicant was requesting that the rear setback for the residential floors be reduced to 0', the Applicant's site plan showed the majority of the proposed building was set back 5.5' from the rear property line. He further explained that the subject property was further separated from Mr. Gallardo's property by a 16' alley. He explained that this left over 21' of separation between the rear of the Applicant's proposed development and Mr. Gallardo's property.

He stated that – as shown on the site plan – the only portion of the Applicant’s proposed development that would need the 0’ rear setback would be the pillar at the corner of the proposed building. He stated that the subject property was located in a B3-3 zoning district and thus the density and height of the Applicant’s proposed development were permitted as of right.

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

B. Criteria for a Variation

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

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

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

III. FINDINGS OF FACT.

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

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

As Mr. Stetsyuk testified, the subject lot measures 80' wide by only 108.75' deep. A standard City lot is 125' deep. Because of this short lot depth, strict compliance with the regulations and standards of the Chicago Zoning Ordinance would create practical difficulties and particular hardships because even though the height and density of the Applicant's proposed building are allowed by right, the Applicant cannot build its proposed building without the requested variations.

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

The requested variations maintain orderly and compatible land use and development patterns pursuant to Section 17-1-0508 of the Chicago Zoning Ordinance, maintain a range of housing choices and options pursuant to Section 17-1-0512 of the Chicago Zoning Ordinance, and preserve the overall quality of life for residents and visitors pursuant to Section 17-1-0502 of the Chicago Zoning Ordinance.

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

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

If the Applicant were forced to build in accordance with the standards of the Chicago Zoning Ordinance, the subject property's substandard lot depth would affect the proposed development's size and location on the subject property. The resulting development would be too small and unable to yield a reasonable rate of return. Consequently, the requested variations would allow the Applicant's proposed development to remain competitive with other mixed-use developments on lots with a standard (i.e., 125') lot depth.

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

The practical difficulties or particular hardships are due to the subject property's 108.75' depth. The proposed residential units on the short lot necessitate the required zoning relief. The short lot depth also impacts the Applicant's ability to provide a functional loading berth onsite. These are unique circumstances and are not generally applicable to other mixed-use property.

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

As shown by the site plan, the variations will permit a four-story, mixed use building that is consistent with the mixed-use character of the neighborhood.

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

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

The subject property's short lot depth of 108.75' creates a particular hardship upon the Applicant as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out. As Mr. Stetsyuk testified, the requested variations would allow the Applicant to overcome the short lot depth of the subject property.

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

As noted above, the practical difficulties or particular hardships are due to the subject property's short lot depth of 108.75'. These are conditions not applicable, generally, to other property within the B3-3 zoning classification.

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

The purpose of the variations is to allow the Applicant to overcome the short lot depth of the subject property and build to the height and density of a B3-3 zoning district. As the subject property is located within a B3-3 zoning district, the

purpose of the variations is not based exclusively upon a desire to make more money out of the property but rather to build to the standards allowed by the zoning district.

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

The Applicant did not create the condition of the subject property's short lot depth.

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

As explained by Mr. Ftikas, the height and density of the Applicant's property are permitted as of right. Further, as shown by the site plan, there will be over 21' between the majority of the Applicant's proposed development and Mr. Gallardo's property. Consequently, the granting of the variations will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

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

As noted above, the height and density of the Applicant's proposed development is permitted as of right in the B3-3 zoning district. Further, as shown by the site plan, there will be over 21' between the majority of the Applicant's proposed development and Mr. Gallardo's property. Consequently, the variations will not impair an adequate supply of light and air to adjacent property. As noted in the Applicant's Findings of Fact, the Applicant will be providing all required parking on-site and therefore the requested variations will not increase congestion in the public streets. The proposed variations will not increase the danger of fire or endanger the public safety as they will be built to all City codes. Further, as the Applicant's proposed development will be all new construction, the proposed variations will not substantially diminish or impair property values within the neighborhood.

IV. CONCLUSION

For all of these reasons, the ZONING BOARD OF APPEALS finds that the Applicant has proved its case by evidence, testimony and the entire record, including the

Applicant's proposed Findings of Fact, covering the specific criteria for a variation pursuant to Sections 17-13-1107-A, B and C of the Chicago Zoning Ordinance.

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

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

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

APPLICANT: Bloomfield Development Company, LLC

CAL NO.: 539-17-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
September 15, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3852 N. Janssen

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 35.1' to 19' for a proposed rear addition with a rear open deck to the existing three-story, two dwelling unit building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

OCT 23 2017

**CITY OF CHICAGO
ZONING BOARD OF APPEALS**

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
		X

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 15, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 1, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 19' for a proposed rear addition with a rear open deck to the existing three-story, two dwelling unit building; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: 441-47 Developers, LLC

CAL NO.: 540-17-Z

APPEARANCE FOR: Rolando Acosta

MINUTES OF MEETING:
September 15, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 443-47 W. Arlington Place

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 6.47' to zero, rear setback from 29.99' to zero, east from 5' to zero (west to be zero) combined side setback from 10' to zero for a proposed four-story, eight dwelling unit building with roof top enclosures, attached garage, balconies, terraces and masonry fences.

**ACTION OF BOARD-
VARIATION GRANTED - DECISION OF LAW**

THE VOTE

OCT 23 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
		X

APPROVED AS TO SUBSTANCE


CHAIRMAN

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



OCT 23 2017

**CITY OF CHICAGO
ZONING BOARD OF APPEALS**

441-47 Developers, LLC

APPLICANT

**540-17-Z, 541-17-Z,
542-17-Z & 543-17-Z**
CALENDAR NUMBERS

443-47 and 439 W. Arlington Place

PREMISES AFFECTED

September 15, 2017

HEARING DATE

ACTION OF BOARD

THE VOTE

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

Blake Sercye
Shaina Doar
Sol Flores
Sam Toia
Amanda Williams

AFFIRMATIVE	NEGATIVE	ABSENT
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE VARIATION APPLICATIONS FOR 443-47 AND 439
W. ARLINGTON PLACE BY 441-47 DEVELOPERS, LLC**

I. BACKGROUND

441-47 Developers, LLC (the "Applicant") submitted two variation applications for 443-47 W. Arlington Place (the "development property") and two variation applications for 439 W. Arlington Place (the "existing residence property"). Both properties are currently zoned RM-5 and are located in the Arlington & Roslyn Landmark District ("Landmark District"). The existing residence property is currently improved with a single-family residence ("residence"). The development property is currently the west side yard for the residence. The Applicant proposed to formally split the existing residence property and the development property into two zoning lots. The Applicant further proposed to: (1) improve the residence on the existing residence property with a two-story rear addition; and (2) construct a new four-story, eight-dwelling unit building ("building") on the development property. To permit the two-story rear addition, the Applicant sought variations to: (1) reduce the rear setback from the required 18.27' to 0', reduce the west side setback from 2.26' to 0' (east side setback to be 0.22'), and reduce the combined side setback from 5.65' to 0.22'; and (2) reduce the required off-street parking from the required one space to zero. To permit the new building, the Applicant sought variations to: (1) reduce the front setback from the required 6.47' to 0', reduce the rear setback from 29.99' to 0', reduce the east side setback from 5' to 0' (west side setback to 0'), and reduce the combined side setback from 10' to 0'; and (2) relocate the

APPROVED AS TO SUBSTANCE

CHAIRMAN

required rear yard open space of 610.25 square feet to the second floor terrace of the proposed building (as such second floor terrace would be over 4' above grade).

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's variation applications at its regular meeting held on September 15, 2017, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Sun-Times*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure, the Applicant had submitted its proposed Findings of Fact. The Applicant's manager Mr. Michael Breheny and its attorney Mr. Rolando Acosta were present at the hearing. The Applicant's architect Mr. Christopher Guido was also present. Testifying in opposition to the application were Mr. Michael Silver, of 425 W. Arlington, Mr. Ron Montalbano, of 418 W. Arlington, Mr. Marc Bush, of 440 W. Arlington, and Mr. George Blakemore, address unknown. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

The Applicant's attorney Mr. Rolando Acosta explained that the Applicant had gone through a Type-1 rezoning for both the two-story addition to the residence and the building. He further explained that because both the development property and the existing residence property were located in the Landmark District, the Applicant had gone through the Permit Review Committee of the Commission on Chicago Landmarks ("Landmarks"). He explained that the Applicant had held two community meetings about its proposed construction and that the meetings had been well attended by the neighbors. He explained that the Applicant had made certain commitments at said meetings but that he believed the technicalities of zoning made the neighbors feel the Applicant was no longer honoring these commitments. He stated that the Applicant was honoring these commitments.

Mr. Michael Silver, of 425 W. Arlington, testified that he and his fellow neighbors were concerned about the request for the front setback reduction on 443-47 W. Arlington.

Mr. Acosta explained that there was a 4' garden wall that bordered a driveway adjacent to 439 W. Arlington. He explained that Landmarks asked the Applicant to remove the driveway as it was inconsistent with the Landmark District. He explained that due to Landmarks, the Applicant would relocate the driveway to the western extreme of the development property. He explained that the garden wall had some historical value so it had been removed brick by brick and would be rebuilt on the west end of the development property adjacent to the relocated driveway. He explained that because the garden wall was 4' in height and would come perpendicular to the sidewalk, it was not a permitted obstruction in the front yard. He explained that this is what triggered the request for a zero front setback on 443-47 W. Arlington. He explained that the bay windows of the building would be more than 8' from the front property line and the actual face of the building would be almost 11' from the front property line. He

explained that this was consistent with the plans previously shown to the neighbors. He stated that he explained to the neighbors that the plans submitted by the Applicant to the ZONING BOARD OF APPEALS would be part of the ZONING BOARD OF APPEALS' approval.

Mr. Acosta further explained that the Applicant's request for east side setback relief on 443-47 W. Arlington was triggered by the building's third floor balcony as well as its second floor terrace, as both were obstructions not permitted in the side yard. He reiterated that the plans for the building had not changed from the plan previously shown to the neighbors.

Mr. Ron Montalbano, of 418 W. Arlington, testified that Mr. Acosta had addressed his concerns. He testified that he and other neighbors had been confused by the notices for the variations.

The Applicant's manager Mr. Michael Breheny testified that if he were to continue to testify, his testimony would be consistent with his affidavits contained in the Applicant's proposed Findings of Fact.

The Applicant's project architect Mr. Christopher Guido testified that if he were to continue to testify, his testimony would be consistent with his affidavits contained in the Applicant's proposed Findings of Fact.

Mr. Marc Bush, of 440 W. Arlington, testified that while he understood the Applicant's project would remove one tree from the parkway, he was concerned about other parkway trees being damaged during construction.

Mr. Acosta explained that the Applicant had a construction logistics plan that the Applicant did not believe would affect the trees. He explained that in the unfortunate circumstance that the Applicant's good intentions did not work out and a tree died, the City's Bureau of Forestry would require the Applicant to replace said tree. He stated that the Bureau of Forestry usually required two and half caliper or four caliper replacement trees.

Mr. George Blakemore, address unknown, testified that he wished to see the building be in harmony with the Landmark District.

B. Criteria for a Variation

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

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

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

III. FINDINGS OF FACT.

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

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

As stated in the Applicant's proposed Findings of Fact, both the development property and the residence property are irregularly shaped. The development property is only 99.96 feet in depth, and the residence property is only 65.25 feet in depth. Neither property has access to a rear alley. Both properties are located in the Landmark District. As set forth in the Applicant's proposed Findings of Fact, strict compliance with the regulations and standards of the Chicago Zoning

Ordinance would therefore create practical difficulties or particular hardships for both properties.

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

The requested variations for 443-47 W. Arlington promote orderly and compatible land use and development patterns pursuant to Section 17-1-0508 of the Chicago Zoning Ordinance as well as maintain a range of housing choices and options pursuant to Section 17-1-0512 of the Chicago Zoning Ordinance. The requested variations for 439 W. Arlington promotes the rehabilitation and reuse of older buildings pursuant to Section 17-1-0511 of the Chicago Zoning Ordinance.

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

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

Due to the irregular shape and short lot depth of the development property, providing at-grade open space and complying with setbacks would result in unit configurations that are not compatible to other units in the area which would reduce revenue or cause the need to increase height which would, in turn, increase construction costs thereby not yielding a reasonable return. Due to the irregular shape and short lot depth of the existing residence property, complying with setbacks and providing on-site parking would result in room configurations that are not compatible with other homes in the area which would reduce revenue or cause the need to increase construction costs thereby not yielding a reasonable return.

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

As noted above, both the development property and the residence property are irregularly shaped. The development property is only 99.96 feet in depth, and the residence property is only 65.25 feet in depth. Neither property has access to a rear alley. Both properties are located in the Landmark District. These are unique circumstances and are not generally applicable to other residential property.

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

Both properties are located within the Landmark District. Plans for the addition to the residence and plans for the building were reviewed by Landmarks to ensure that they would not alter the essential character of the Landmark District.

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

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

As noted above, both the development property and the residence property are irregularly shaped. The development property is only 99.96 feet in depth, and the residence property is only 65.25 feet in depth. Neither property has access to a rear alley. Both properties are located in the Landmark District. Under these circumstances, complying with the Zoning Ordinance would result in inadequate room configurations in the residence and inadequate unit configurations in the building. Further, complying with the Zoning Ordinance would result in a height increase to both the building and the existing residence, and such height increase is inconsistent with – and therefore not permitted in – the Landmark District.

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

As noted above, both the development property and the residence property are irregularly shaped. The development property is only 99.96 feet in depth, and the residence property is only 65.25 feet in depth. Neither property has access to a rear alley. Both properties are located in the Landmark District. None of these conditions are applicable, generally, to other property within the RM-5 zoning classification.

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

As noted in the Applicant's proposed Findings of Fact, the variations for the existing residence property are to allow for the construction of an addition to provide suitable living spaces within the existing residence that is in conformity with the Landmark District. The variations for the development property are to allow construction of a building with units proper spatial dimensions that is in conformity with the Landmark District.

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

The Applicant did not create the substandard lot depth of either property. The Applicant did not create the lack of the rear alley, and it did not create the Landmark District.

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

Due to the conditions imposed by the ZONING BOARD OF APPEALS, the granting of the variations will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

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

As noted above, due to the conditions imposed by the ZONING BOARD OF APPEALS, the variations will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

IV. CONCLUSION

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

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

1. The properties at 443-47 and 439 W. Arlington shall be developed in accordance with the plans presented to the ZONING BOARD OF APPEALS; and
2. Any trees damaged during construction will be replaced by the Applicant in a manner consistent with the requirements of the City's Bureau of Forestry.

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: 1879-85 North Milwaukee, LLC **CAL NO.:** 544-17-Z
APPEARANCE FOR: Rolando Acosta **MINUTES OF MEETING:** September 15, 2017
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1879-85 N. Milwaukee Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 30' to zero for a proposed five-story retail and thirty dwelling unit building.

**ACTION OF BOARD-
 VARIATION GRANTED**

THE VOTE

OCT 23 2017
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

BLAKE SERCYE
 SHAINA DOAR
 SOL FLORES
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
		X


THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 15, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 1, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to zero for a proposed five-story retail and thirty dwelling unit building; an additional variation was granted to the subject property in Cal. No. 545-17-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 1879-85 North Milwaukee, LLC **CAL NO.:** 545-17-Z

APPEARANCE FOR: Rolando Acosta **MINUTES OF MEETING:**

September 15, 2017

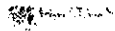
APPEARANCE AGAINST: None

PREMISES AFFECTED: 1879-85 N. Milwaukee Avenue

NATURE OF REQUEST: Application for a variation to eliminate the required 10' x 25' loading berth for a proposed five-story retail and thirty dwelling unit building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE



OCT 23 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
		X

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 15, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 1, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to eliminate the required 10' x 25' loading berth for a proposed five-story retail and thirty dwelling unit building; an additional variation was granted to the subject property in Cal. No. 544-17-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Jeff Zehr and Maria Reese

CAL NO.: 546-17-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
September 15, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2022 N. Dayton Street

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

ACTION OF BOARD-
Continued to October 20, 2017 at 9:00 a.m.

THE VOTE

OCT 23 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
		X

APPROVED AS TO SUBSTANCE


CHAIRMAN

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



OCT 23 2017

**CITY OF CHICAGO
ZONING BOARD OF APPEALS**

Virag Nanavati

APPLICANT

547-17-Z

CALENDAR NUMBERS

1470 W. Rascher Avenue

PREMISES AFFECTED

September 15, 2017

HEARING DATE

ACTION OF BOARD

THE VOTE

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

Blake Sercye
Shaina Doar
Sol Flores
Sam Toia
Amanda Williams

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

**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE VARIATION APPLICATIONS FOR 1470 W.
RASCHER AVENUE BY VIRAG NANAVATI**

I. BACKGROUND

Virag Nanavati (the "Applicant") submitted a variation application for 1470 W. Rascher Avenue (the "subject property"). The subject property is currently zoned RT-4 and is currently improved with a three-story, three-dwelling unit residential building, with rear stairs and a detached garage. The Applicant proposed to construct a bridge between the rear stairs and a proposed garage roof deck. To permit said bridge, the Applicant sought a variation to reduce: (1) the rear setback from the required 37.61' to 2.08'; (2) the west side setback from the required 2' to 0'; (3) the east side setback from the required 2' to 0'; and (4) the combined side setback from the required 5' to 0'.

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's variation application at its regular meeting held on September 15, 2017, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Sun-Times*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure, the Applicant had submitted his proposed Findings of Fact. The Applicant Mr. Virag Nanavati, and his attorney Mr. Thomas S. Moore were present. The Applicant's architect Mr. Christopher Boehm was also present. The

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

The Applicant's attorney, Mr. Thomas S. Moore explained to the ZONING BOARD OF APPEALS that prior to the hearing, he, the Applicant and Mr. Victor Banks, of 1466 W. Rascher Avenue, had a meeting to discuss Mr. Banks' opposition to the application. Mr. Banks' concern was late night parties on the proposed garage roof deck. Mr. Moore stated that they had worked out a written agreement between the Applicant and Mr. Banks. The agreement limited the hours of use for the proposed garage roof deck. Mr. Moore stated that due to this agreement, Mr. Banks had withdrawn his objection to the application. Mr. Moore further stated that due to the agreement, Mr. Banks did not want to stay for the hearing.

Mr. Moore went on to explain that the developer of the subject property built a three-unit condominium on the subject property with an as of right rear stair and a detached garage. He stated that the developer had promised the Applicant a garage roof deck but that said garage roof deck would require a variation as there was very limited space between the as of right stairs and the existing garage. He stated that duplicating another staircase in the rear yard to access the roof deck would take away light and air and would fill the Applicant's open space requirement.

The Applicant Mr. Virag Nanavati testified in support of the application. He testified that he lived in the basement and ground floor unit – that is to say unit 1 – of the three-unit condominium building on the subject property. He testified that the condominium declarations gave him exclusive use of the outdoor space but nevertheless he had letters of support from his fellow condominium owners.

The Applicant's architect Mr. Christopher Boehm testified that in his opinion the variation was necessary because without the variation the Applicant would need to put in an additional rear yard stair to reach the proposed garage roof deck. He testified that this additional stair would cut into the required rear yard open space and as a result the subject property would not meet the minimum required rear yard open space.

B. Criteria for a Variation

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

Pursuant to Section 17-13-1107-B of the Chicago Zoning Ordinance, in order to determine that practical difficulties or particular hardships exist, the ZONING BOARD OF APPEALS must find evidence of each of the following: (1) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the

standards of the Chicago Zoning Ordinance; (2) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and (3) the variation, if granted, will not alter the essential character of the neighborhood.

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

II. FINDINGS OF FACT.

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

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

Under the Chicago Zoning Ordinance, the Applicant is allowed to build a garage deck. However, the Chicago Zoning Ordinance limits the ways in which said garage roof deck may be accessed as of right. In the instant case, as Mr. Boehm testified, strictly complying with the Chicago Zoning Ordinance would require the Applicant to add an additional stair in the rear of the subject property. This additional stair would make the subject property no longer in compliance with its minimum required rear yard open space.

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

The variation protects the character of established residential neighborhoods pursuant to Section 17-1-0503 and helps maintain a range of housing choices and options pursuant to 17-1-0512 of the Chicago Zoning Ordinance.

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

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

The Applicant is allowed under the Chicago Zoning Ordinance to build a garage roof deck. However, as noted above, without the requested variation, the Applicant would not be able to access said garage roof deck as the required stairs for the garage roof deck would make it so the subject property no longer has the minimum amount of required rear open space. Consequently, without the requested variation, the subject property could not yield a reasonable return.

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

The existing improvements on the subject property, including the condominium building with its as of right rear stair and its detached garage, limit how the Applicant can access the proposed garage roof deck. Specifically, the Applicant does not have the space to add an additional set of stairs in the rear yard. This is a unique circumstance which is not generally applicable to other residential property.

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

As Mr. Nanavati averred in his proposed Findings of Fact there are other homes in the area with garage roof top decks.

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

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

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

The existing topographical condition of the subject property – that is to say, the limited space between the existing rear stair and the detached garage – would result in particular hardship upon the Applicant as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out. As Mr. Boehm explained, if the variation was not granted, the Applicant would be forced to build a second staircase that would take away light and air and further reduce the remaining open space in the rear yard to the point where the proposed roof top deck could not be constructed.

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

As noted above, existing improvements on the subject property, including the condominium building with its as of right rear stair and its detached garage, limit how the Applicant can access the proposed garage roof deck. These are conditions not applicable, generally, to other property within the RT-4 zoning classification.

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

The purpose of the variation is to preserve the rear yard open space as well as to access a garage roof deck. Mr. Nanavati specifically averred in his proposed Findings of Fact that his request for the variation is for creating outdoor space for those who will live in the unit.

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

Mr. Nanaviti, as owner of the unit 1 with its exclusive rights to the outdoor space, did not create the condition of the existing condominium building with its as of right stairs and existing garage.

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

Due to the condition imposed by the ZONING BOARD OF APPEALS, the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

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

Due to the condition imposed by the ZONING BOARD OF APPEALS, the variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

III. CONCLUSION

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

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

1. The hours of use for the garage roof deck shall be in accordance with that certain agreement executed by and between the Applicant and Mr. Banks and dated as of September 15, 2017.

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: Gerardo Yanes CAL NO.: 548-17-S

APPEARANCE FOR: Same as Applicant MINUTES OF MEETING:

September 15, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 7152 W. Higgins Road

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

ACTION OF BOARD- APPLICATION APPROVED

THE VOTE



OCT 23 2017

CITY OF CHICAGO ZONING BOARD OF APPEALS

BLAKE SERCYE SHAINA DOAR SOL FLORES SAM TOIA AMANDA WILLIAMS

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

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 15, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 1, 2017; and

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

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

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: 1937 S. Canalport, LLC

CAL NO.: 549-17-S

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:
September 15, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1935 S. Canalport Avenue

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

ACTION OF BOARD-
Continued to October 20, 2017 at 9:00 a.m.

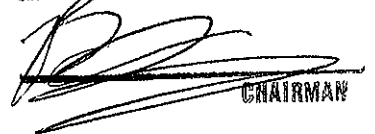
THE VOTE

OCT 23 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
		X

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Edward Paliatka

CAL NO.: 550-17-Z

APPEARANCE FOR: John Pikarski

MINUTES OF MEETING:
September 15, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 5352 W. Argyle Street

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 12.96' to 10', rear setback from 32.4' to 7.25', combined side setback from 22.5' to 10' for a proposed four story, twenty-four dwelling unit building with indoor parking.

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

THE VOTE

OCT 23 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
		X

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Edward Paliatka

CAL NO.: 551-17-Z

APPEARANCE FOR: John Pikarski

MINUTES OF MEETING:
September 15, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 5352 W. Argyle Street

NATURE OF REQUEST: Application for a variation to reduce the rear yard open space from 740 square feet to zero for a proposed four-story, twenty-four dwelling unit building with indoor parking.

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

THE VOTE

OCT 23 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
		X

APPROVED AS TO SUBSTANCE


CHAIRMAN

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



OCT 23 2017

CITY OF CHICAGO
ZONING BOARD OF APPEALS

Maynard Elaine 574 Holdings, LLC

APPLICANT

**552-17-Z, 553-17-Z
& 554-17-Z**

CALENDAR NUMBERS

3402-04 N. Elaine Place

PREMISES AFFECTED

September 15, 2017

HEARING DATE

ACTION OF BOARD

THE VOTE

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

Blake Sercye
Shaina Doar
Sol Flores
Sam Toia
Amanda Williams

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

**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE VARIATION APPLICATIONS FOR 3202-04 N.
ELAINE PLACE BY MAYNARD ELAINE 574 HOLDINGS, LLC**

I. BACKGROUND

Maynard Elaine 574 Holdings, LLC (the "Applicant") submitted three variation applications for 3402-04 N. Elaine Place (the "subject property"). The subject property is currently zoned RM-5 and is currently improved with a three-story, six-dwelling unit residential building ("existing building"). The Applicant proposed to add two additional dwelling units to the existing building and to add three parking spaces on an unimproved portion of the subject property. To permit this, the Applicant sought variations to: (1) to reduce the west side setback from 5' to 0'; (2) to reduce the required 288 square feet of rear yard open space to 0'; and (3) to reduce the required parking spaces from five (5) spaces to three (3) spaces.

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's variation applications at its regular meeting held on September 15, 2017, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Sun-Times*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure, the Applicant had submitted its proposed Findings of

APPROVED AS TO SUBSTANCE

CHAIRMAN

Fact. The Applicant's property manager Ms. Alicia Eberly and its attorney Ms. Bridget O'Keefe were present at the hearing. The Applicant's architect Mr. Joel Heiniger was also present. Testifying in opposition to the applications were Mr. Matthew Jacobson, of 706 W. Roscoe Street, and Mr. George Blakemore, of Chicago, Illinois. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

The Applicant's attorney Ms. Bridget O'Keefe explained that the Applicant's existing building was a large brownstone built in 1910. She explained that the Applicant proposed to add two new dwelling units to the basement of the existing building. She explained there would be no change to the bulk, height or footprint of the existing building. She explained that the subject property was a corner lot and that the north portion of the subject property had a vacant area. She explained that the south line of the subject property measured 52' but that the subject property then narrowed considerably as the north line of the subject property measured 22' 7". She explained that due to this narrowing, it was impossible for the Applicant to provide the required parking spaces on the subject property without reducing the west setback and reducing the required open space.

Ms. O'Keefe further explained that prior to the hearing Mr. Jacobson had some questions regarding the fact that due to the additional dwelling units, there would be a new point of ingress and egress to the existing building. This new point of ingress and egress would be provided on the north side of the existing building and would be in the form of a stairway to a utility room. She explained that currently there is a point of ingress and egress to the south side of the existing building. She stated that at this southern point of ingress and egress, there is sometimes garbage and people congregating. She stated that Mr. Jacobson did not believe that it was necessarily the fault of the Applicant's management of the existing building but rather due to the building's proximity to Roscoe, which is a busy thoroughfare. She stated that Mr. Jacobson was concerned that the new northern ingress and egress point would increase the problem of garbage and people congregating because it would be even closer to Roscoe.

Ms. O'Keefe stated that the Applicant offered to provide a gate at the top of the new stairwell that would prevent anyone from congregating in the stairwell and causing a safety concern.

Mr. Matthew Jacobson, of 706 W. Roscoe, testified that Ms. O'Keefe had accurately stated his concerns with respect to the requested variations. He testified that he wanted a gate at the top of the northern staircase for safety.

The Applicant presented the testimony of its property manager Ms. Alicia Eberly in support of the applications. Ms. Eberly testified that she had been involved with the management of the existing building since January 2015.

The Applicant presented the testimony of its architect Mr. Joel Heiniger. Mr. Heiniger testified that he was a licensed architect in the state of Illinois. He further testified that with respect to the applications for variations, the hardship was created by the shape of the subject property and the fact that it narrowed from 55' on the south property line to 22' on the north property. He testified that due to this narrowing, there was insufficient room to provide the required parking outside the west side setback and to provide the required rear yard open space. He testified that the fence currently on the western boundary of the subject property would remain and that said fence would shield the parking from the subject property's adjacent neighbor. He testified that even with the eight dwelling units, the density of the existing building would still be lower than what is allowed by the underlying RM-5 zoning district.

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

B. Criteria for a Variation

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

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

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

impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

III. FINDINGS OF FACT.

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

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

As Mr. Heiniger very credibly testified, the shape of the subject property – particularly its narrowing from 55' at the south end to 22' at the north end – does not allow sufficient room for the required parking unless the requested variations to reduce the west side setback and the required rear open space are granted. Without the required parking, the Applicant could not add the two additional dwelling units to the existing building.

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

The requested variations promote rehabilitation and reuse of older buildings pursuant to Section 17-1-0511 of the Chicago Zoning Ordinance.

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

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

As Ms. Eberly averred in the Applicant's proposed Findings of Fact, the Applicant's proposal to add two additional units is necessary to upgrade the existing units in the building and allow the Applicant to make a reasonable return on its investment in the subject property. Further, the fact that the subject property is a corner lot and has an irregular shape prevents the Applicant from providing the required parking. Without the required parking, the Applicant

could not build the two additional units and thus could not yield a reasonable return upon its investment.

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

As noted above, the practical difficulties or particular hardships are due to the subject property's shape – particularly its narrowing from 55' at the south end to 22' at the north end. This is a unique circumstance and is not generally applicable to other residential property.

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

As Ms. O'Keefe explained, the variations will not change the footprint of the existing building. Further, the existing fence on the western property line will remain so that the parking spaces will be shielded from the subject property's adjacent neighbor.

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

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

As noted above, the subject property's irregular shape – particularly its narrowing from 55' at the south end to 22' at the north end – results in particular hardship upon the Applicant as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.

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

As noted above, the practical difficulties or particular hardships are due to the subject property's irregular shape. This is a condition not applicable, generally, to other property within the RM-5 zoning classification.

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

As noted above and as averred to by Ms. Eberly, the purpose of these variations is not exclusively based upon a desire to make more money out of the subject property but is instead to allow the Applicant to fund upgrades to the existing building. These upgrades are necessary for the existing building to stay financially viable in a competitive marketplace.

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

The Applicant did not create the irregular shape of the subject property.

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

Due to the condition imposed by the ZONING BOARD OF APPEALS, the granting of the variations will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

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

Since the footprint, bulk and height of the existing building will not be changed and the existing fence on the subject property will remain, the variations will not impair an adequate supply of light and air. Even with the additional two units, the density of the existing building would still be lower than what is allowed by the underlying RM-5 zoning district and therefore the variations will not increase the congestion of the public streets. Due to the condition imposed by the ZONING BOARD OF APPEALS, the variations will not increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

IV. CONCLUSION

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

The ZONING BOARD OF APPEALS hereby approves the Applicant's applications for variations, and pursuant to the authority granted to the ZONING BOARD OF

APPEALS by Section 17-13-1105 of the Chicago Zoning Ordinance, the Zoning Administrator is authorized to permit said variations subject to the following condition:

1. The Applicant shall install a gate at the top of the stairwell to the new point of ingress and egress on the north side of the existing building.

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: Richard and Kathleen Pastorelli

CAL NO.: 555-17-Z

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:
September 15, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2130 W. Fletcher Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 34.98' to 2.5', west setback from 2' to 0.35' (east to be 2.51'), combined side setback from 5' to 3.86' for a proposed roof deck, trellis and privacy walls on the existing garage and an open bridge/stair to access the roof deck.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

OCT 23 2017

**CITY OF CHICAGO
ZONING BOARD OF APPEALS**

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
		X

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 15, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 1, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 2.5', west setback to 0.35' (east to be 2.51'), combined side setback to 3.86' for a proposed roof deck, trellis and privacy walls on the existing garage and an open bridge/stair to access the 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: Thuan Do
APPEARANCE FOR: Same as Applicant
APPEARANCE AGAINST: None
PREMISES AFFECTED: 808 W. 87th Street

CAL NO.: 556-17-S

MINUTES OF MEETING:
September 15, 2017

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

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
		X

BLAKE SERCYE
 SHAINA DOAR
 SOL FLORES
 SAM TOIA
 AMANDA WILLIAMS

OCT 23 2017
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS


THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 15, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 1, 2017; and

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

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

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Daniel Hosler

CAL NO.: 557-17-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
September 15, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2141 N. Dayton St.

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 35' to 23.82', north setback from 2' to 1', combined side setback from 5' to 4' for a proposed three-story covered roof on an existing open deck and a one-story addition.

ACTION OF BOARD-
Continued to October 20, 2017 at 9:00 a.m.

THE VOTE

OCT 23 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
		X

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Daniel Hosler

CAL NO.: 558-17-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
September 15, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2141 N. Dayton St.

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

ACTION OF BOARD-
Continued to October 20, 2017 at 9:00 a.m.

THE VOTE

OCT 23 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
		X

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

APPLICANT: Chicago Title Land Trust No. 31934

CAL NO.: 559-17-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
September 15, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2510 W. George Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 30' to zero on floors containing dwelling units for a proposed four-story building with ground floor office and three dwelling units above.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

OCT 23 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
RECUSED		
X		
X		
X		
		X

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 15, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 1, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to zero on floors containing dwelling units for a proposed four-story building with ground floor office and three 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



CHAIRMAN

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

APPLICANT: Tomas Kleveta **CAL NO.:** 560-17-Z
APPEARANCE FOR: Same as Applicant **MINUTES OF MEETING:**
September 15, 2017
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1834 N. Rockwell Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 37.68' to 30' for a proposed three-story, four dwelling unit building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE



OCT 23 2017
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

BLAKE SERCYE
 SHAINA DOAR
 SOL FLORES
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
		X

THE RESOLUTION:


WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 15, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 1, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 30' for a proposed three-story, four dwelling unit building; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Yolande A. Sanvi **CAL NO.:** 561-17-S
APPEARANCE FOR: Same as Applicant **MINUTES OF MEETING:**
September 15, 2017
APPEARANCE AGAINST: None
PREMISES AFFECTED: 6249 S. Western Avenue
NATURE OF REQUEST: Application for a special use to establish a hair salon.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

OCT 23 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
 SHAINA DOAR
 SOL FLORES
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
		X


THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 15, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 1, 2017; and

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

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

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 4922 N. Albany Condominium Association

CAL NO.: 562-17-Z

APPEARANCE FOR: Paul Kolpack

MINUTES OF MEETING:
September 15, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4922 N. Albany Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 37.59' to 2', north setback from 2.4' to 0.5' (south to be 0.5'), combined side setback from 6' to 1' and to relocate the 675 square feet of rear yard open space to proposed roof deck with an open bridge to access the garage deck.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

~~XXXXXXXXXX~~

OCT 23 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X


THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 15, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 1, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 2', north setback to 0.5' (south to be 0.5'), combined side setback to 1' and to relocate the 675 square feet of rear yard open space to proposed roof deck with an open bridge to access the garage 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: Wendy Berry

CAL NO.: 563-17-Z

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
September 15, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 5830 S. Western Avenue

NATURE OF REQUEST: Application for a variation to reduce the required on-site parking from 2 spaces to one for a proposed day care center which will provide one on-site parking space, two drop-off spaces and four bicycle parking spaces.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

OCT 23 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 15, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 1, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the required on-site parking to one for a proposed day care center which will provide one on-site parking space, two drop-off spaces and four bicycle 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: Hastings Properties, LLC

CAL NO.: 564-17-Z

APPEARANCE FOR: William Banks

MINUTES OF MEETING:
September 15, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1804 N. Hudson Avenue

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

ACTION OF BOARD-

Continued to October 20, 2017 at 9:00 a.m.

OCT 23 2017

**CITY OF CHICAGO
ZONING BOARD OF APPEALS**

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

APPLICANT: Hastings Properties, LLC

CAL NO.: 565-17-Z

APPEARANCE FOR: William Banks

MINUTES OF MEETING:
September 15, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1810 N. Hudson Avenue

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

ACTION OF BOARD-

Continued to October 20, 2017 at 9:00 a.m.

OCT 23 2017

**CITY OF CHICAGO
ZONING BOARD OF APPEALS**

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: All Star Management No. 45, Inc.

CAL NO.: 566-17-S

APPEARANCE FOR: Bernard Citron

MINUTES OF MEETING:
September 15, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 8740 S. Lafayette Avenue

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

ACTION OF BOARD-
Continued to October 20, 2017 at 9:00 a.m.

OCT 23 2017

**CITY OF CHICAGO
ZONING BOARD OF APPEALS**

APPROVED AS TO SUBSTANCE


CHAIRMAN

ZONING BOARD OF APPEALS
CITY OF CHICAGO

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



OCT 23 2017

CITY OF CHICAGO
ZONING BOARD OF APPEALS

John Karnuth

APPLICANT

567-17-Z

CALENDAR NUMBER

4315 – 17 W. School Street

PREMISES AFFECTED

September 15, 2017

HEARING DATE

ACTION OF BOARD

THE VOTE

The application for the variation is approved.

AFFIRMATIVE NEGATIVE ABSENT

Blake Sercye

Shaina Doar

Sol Flores

Sam Toia

Amanda Williams

**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE VARIATION APPLICATION FOR 4315-17 W.
SCHOOL STREET BY JOHN KARNUTH**

I. BACKGROUND

John Karnuth (the "Applicant") submitted a variation application for 4315-17 W. School Street (the "subject property"). The subject property is currently zoned RT-4 and is currently improved with a single family home (the "existing home"). The Applicant proposed to split the subject property into two separate zoning lots. The existing home would remain on one of the zoning lots (the "existing home zoning lot"), and the Applicant would erect a new single family home (the "new home") on the other zoning lot (the "new home zoning lot"). As the existing home would only be 0.53' from the new zoning lot's west property line, the Applicant sought a variation to: (1) reduce the west side setback from the required 2' to 0.53' (east side setback to be 3.05); (2) and reduce the combined side setback from 5' to 3.17'.

PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's variation application at its regular meeting held on September 15, 2017, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Sun-Times*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure, the Applicant had submitted his proposed Findings of

APPROVED AS TO SUBSTANCE

CHAIRMAN

Fact. The Applicant Mr. John Karnuth was present at the hearing. Testifying in opposition to the application was Mr. Edward Ritthamel, Jr., of 4321 W. School Street. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

The Applicant Mr. John Karnuth testified that he wished to split the subject property into two zoning lots so that he could build the new home on the new zoning lot. He testified that he currently lived in the existing home but that he and his family would move to the new home once it was built. He testified that he planned to offer the existing home to his and his wife's parents. He testified that if his and his wife's parents did not want the existing house, he offer the existing home up for affordable rental housing.

He testified that he and his wife have four daughters, and so they need a house sufficient to house his family. He testified that splitting the subject property into two zoning lots was not a self-created hardship. He testified that he would keep the garage he recently built on the new home zoning lot for the new home. He testified that he would provide parking at the rear of the existing home. He testified that if he had to tear down the garage on the new home zoning lot, there would be a greater cost involved. He testified that he and his family would not be moving from the subject property. He testified that the variation would not be detrimental to the public welfare and would not harm the property values of neighboring areas. He testified that the new home would be to the east of Mr. Ritthamel's property and therefore other than in the very early morning, the new home would not diminish light to Mr. Ritthamel's property. He testified that perhaps the east wind might also be diminished to Mr. Ritthamel's property but otherwise did not see how there would be any issues with respect to light or ventilation.

Mr. Edward Ritthamel, Jr., of 4321 W. School Street, testified in objection to the Applicant's application. He testified that his home did not have air conditioning and he believed that the Applicant's new home would cut down on his air supply during warm months. He testified that he therefore did not want the new home any closer to his own home due to ventilation and safety concerns.

The ZONING BOARD OF APPEALS stated that the request for a variation was for the Applicant's existing home not the Applicant's new home.

Mr. Ritthamel testified that he still objected to the variation as he believed Mr. Karnuth should not be allowed to build over the legal limit.

B. Criteria for a Variation

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

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

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

II. FINDINGS OF FACT.

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

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

The existing home is built only 0.53' from the existing home zoning lot's west property line. Without the requested variation, the Applicant could not split the subject property into two zoning lots as the existing home would be located in the existing home zoning lot's west side setback.

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

The requested variation protects the character of established residential neighborhoods pursuant to Section 17-01-0504 and maintains a range of housing choices and options pursuant to Section 17-1-0512.

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

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

Without the requested variation, the Applicant would not be able to split the subject property into two separate zoning lots. The subject property measures 50' x 124.95' feet and thus, if split evenly down the middle would create two standard City lots (i.e., each new zoning lot would be 25' x 124.95'). The subject property could therefore easily support two single-family homes. However, due to the fact that the existing home is built only 0.53' from the existing home zoning lot's west property line, the subject property cannot support two single-family homes and thus cannot yield a reasonable return as the west half of the subject property would be forced to remain vacant and unused.

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

As noted above, the subject property is comprised of two standard City lots and thus can sustain two separate single-family homes. However, due to the location of the existing home, the west half of the subject property remains unbuildable. These practical difficulties are not generally applicable to other residential property.

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

The variation will not alter the essential character of the neighborhood as the variation is merely to legalize the existing home once the subject property is split into two zoning lots. As the Applicant intends to erect the new home once the zoning lot is split, and as the block is comprised of single-family homes, the new home will also not alter the essential character of the neighborhood.

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

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

As noted above, the existing home on the subject property is built only 0.53' from the existing home zoning lot's west property line. Without the requested variation, the existing home would prevent the subject property from being split into two separate zoning lots. Were it not for the existing home, no variation would be required to split the subject property into two separate zoning lots because splitting the subject property down the middle creates two standard City lots.

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

As noted above, the subject property can be easily split into two standard City lots and thus should be able to sustain two separate single-family homes. However, due to the location of the existing home, the west half of the subject property remains unbuildable. This is not applicable, generally, to other property within the RT-4 zoning classification.

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

The purpose of the variation is not based exclusively upon a desire to make more money out of the subject property but is instead to allow the Applicant to build the new home. The Applicant will retain ownership of subject property. The Applicant intends for his elderly relatives to live in the existing home but if his elderly relatives do not wish to live there, he will offer the existing home up for affordable housing.

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

The existing home on the subject property is over 100 years old and therefore the Applicant did not create its current location on the subject property.

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

The variation will simply legalize the existing home once the subject property is split into two zoning lots. The variation will not alter the existing home in any way and therefore will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the subject property is located.

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

As noted above, the variation will simply legalize the existing home once the subject property is split into two zoning lots. Mr. Ritthamel is mistaken that the variation will allow the Applicant to build the new home closer to the property at 4321 W. School Street and therefore Mr. Ritthamel's comments that the requested variation will impair an adequate supply of light and air to his property are inapplicable. While it is true that any building built on the west half of the subject property will diminish Mr. Ritthamel's light and air, the west half of the subject property is a standard City lot and thus can support the new home without any variations. As the new home will be built without any variations and will be built to all applicable codes, Mr. Ritthamel's property will continue to have an adequate supply of light and air. Further, as the Applicant will need to provide parking for both the existing home and the new home, the variation will not substantially increase congestion in the public streets. The variation will also not increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood because – again – the variation is simply to legalize the existing home once the subject property is split into two zoning lots.

III. CONCLUSION

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

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

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

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

APPLICANT: Western Bell, Inc.

CAL NO.: 568-17-S

APPEARANCE FOR: Rolando Acosta

MINUTES OF MEETING:
September 15, 2017

APPEARANCE AGAINST: None

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

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

ACTION OF BOARD-
Continued to October 20, 2017 at 9:00 a.m.

THE VOTE

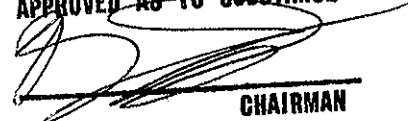
OCT 23 2017

CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
	X	
RECUSED		
		X

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

APPLICANT: Beverly Western Partners, LLC

CAL NO.: 569-17-S

APPEARANCE FOR: Steven C. Bauer

MINUTES OF MEETING:
September 15, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 10637 S. Western Avenue

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

ACTION OF BOARD-
Continued to October 20, 2017 at 9:00 a.m.

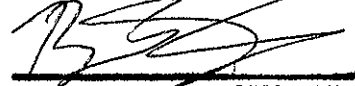
THE VOTE

OCT 23 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
RECUSED		
		X

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

APPLICANT: McDonald's USA, LLC

CAL NO.: 570-17-S

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:
September 15, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2844 W. 47th Street

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

ACTION OF BOARD-
Continued to October 20, 2017 at 9:00 a.m.

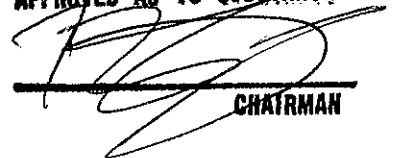
THE VOTE

OCT 23 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
RECUSED		
		X

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

APPLICANT: Raina 63 Halsted, LLC

CAL NO.: 571-17-S

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
September 15, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 6300 S. Halsted Street

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

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

8:

OCT 23 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
RECUSED		
		X

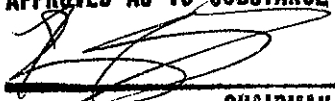
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 15, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 1, 2017; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated November 10, 2016, including both the site and landscape plans dated August 15, 2017, all prepared by Nick Scarlatis and Associates Ltd.

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Nathaneal Wickman Trust Lindsay Wickman Trust

CAL NO.: 497-17-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
September 15, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2648 N. Mildred Avenue

NATURE OF REQUEST: Application for a variation to increase the existing floor area ratio by no more than 1.06% from the existing 3,777.37 square feet to 3,817.37 square feet for a proposed first floor addition and a new privacy fence on the existing three-story building being deconverted from two dwelling unit building to a single family residence.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

OCT 23 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 18, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on August 1, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to increase the existing floor area ratio by no more than 1.06% to 3,817.37 square feet for a proposed first floor addition and a new privacy fence on the existing three-story building being deconverted from two dwelling unit building to a single family residence; an additional variation was granted to the subject site in Cal. No. 498-17-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Nathaneal Wickman Trust Lindsay Wickman Trust

CAL NO.: 498-17-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
September 15, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2648 N. Mildred Avenue

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 15' to 0.42', north setback from 2' to 1.41' (south to be 2.51'), combined side setback from 5' to 3.92' for a proposed first floor front addition and a new privacy fence on the existing three-story building be being deconverted from two dwelling unit building to a single family residence.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

OCT 23 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

THE RESOLUTION:


WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 18, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on August 1, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the front setback to 0.42', north setback to 1.41' (south to be 2.51'), combined side setback to 3.92' for a proposed first floor front addition and a new privacy fence on the existing three-story building be being deconverted from two dwelling unit building to a single family residence; an additional variation was granted to the subject site in Cal. No. 497-17-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

APPLICANT: Episteme Luxury Condos, LLC

CAL NO.: 572-17-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
September 15, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1802 S. State Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 30' to 12', front setback from 8.9' to zero, south setback from 1.18' to zero for a proposed four-story, thirty nine dwelling unit building with thirty-nine parking spaces.

ACTION OF BOARD-

Continued to October 20, 2017 at 9:00 a.m.

OCT 23 2017

**CITY OF CHICAGO
ZONING BOARD OF APPEALS**

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Episteme Luxury Condos, LLC

CAL NO.: 573-17-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
September 15, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1802 S. State Street


NATURE OF REQUEST: Application for a variation to eliminate the one required loading berth for a proposed four-story, thirty-nine dwelling unit building with thirty-nine parking spaces.

ACTION OF BOARD-
Continued to October 20, 2017 at 9:00 a.m.

OCT 23 2017

**CITY OF CHICAGO
ZONING BOARD OF APPEALS**

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Episteme Luxury Condos, LLC

CAL NO.: 391-17-S

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
September 15, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1802 S. State Street

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

ACTION OF BOARD-

Continued to October 20, 2017 at 9:00 a.m.

OCT 23 2017

CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

APPLICANT: CNG Services, LLC

CAL NO.: 409-17-S

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
September 15, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4834 S. Halsted Street


NATURE OF REQUEST: Application for a special use to establish a natural gas filing station.

**ACTION OF BOARD-
WITHDRAWN**

OCT 23 2017

**CITY OF CHICAGO
ZONING BOARD OF APPEALS**

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

APPLICANT: Tsersndori Davaasuren d/b/a Bliss Nails

CAL NO.: 460-17-S

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
September 15, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4245 N. Lincoln Avenue

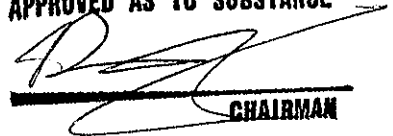
NATURE OF REQUEST: Application for a special use to establish a nail salon.

ACTION OF BOARD-
DISMISSED FOR WANT OF PROSECUTION

OCT 23 2017

**CITY OF CHICAGO
ZONING BOARD OF APPEALS**

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

APPLICANT: Sara Kim

CAL NO.: 464-17-Z

APPEARANCE FOR: John Pikarski

MINUTES OF MEETING:
September 15, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2480 N. Orchard Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 37.73' to 2', south setback from 2' to zero (north to be 3.83') combined side setback from 5' to 3.83' for a proposed three-story covered porch with one parking stall at grade at the rear of the existing building.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

OCT 23 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

THE RESOLUTION:

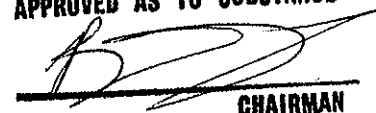
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 18, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on August 1, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 2', south setback to zero (north to be 3.83') combined side setback to 3.83' for a proposed three-story covered porch with one parking stall at grade at the rear of the existing building; an additional variation was granted to the subject site in Cal. No. 465-17-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Sara Kim

CAL NO.: 465-17-Z

APPEARANCE FOR: John Pikarski

MINUTES OF MEETING:
September 15, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2480 N. Orchard Street

NATURE OF REQUEST: Application for a variation to reduce the rear yard open space from the required 165.05 square feet to zero for a proposed rear three-story, covered porch with one parking stall carport at the rear of the existing building.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

OCT 23 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X


THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 18, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on August 1, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear yard open space to zero for a proposed rear three-story, covered porch with one parking stall carport at the rear of the existing building; an additional variation was granted to the subject site in Cal. No. 464-17-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Christ Center of Hope: Assembly of God

CAL NO.: 467-17-S

APPEARANCE FOR: John Pikarski

MINUTES OF MEETING:
September 15, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 5534 N. Kedzie Avenue

NATURE OF REQUEST: Application for a special use to establish a religious assembly with 112 seats in an existing building.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

OCT 23 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X


THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 18, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on August 1, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a religious assembly with 112 seats in an existing 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; an additional special use was granted to the subject site in Cal. No. 468-17-S and a variation was granted to the subject site in Cal. No. 469-17-Z; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the development is consistent with the design and layout of the floor plans and elevations dated September 12, 2017, prepared by Gary L. Matthews Architect.

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: Christ Center of Hope: Assembly of God

CAL NO.: 468-17-S

APPEARANCE FOR: John Pikarski

MINUTES OF MEETING:
September 15, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 5530-58 N. Kedzie Avenue

NATURE OF REQUEST: Application for a special use to establish off-site parking to meet the parking requirement for the proposed religious assembly located at 5534 N. Kedzie Avenue.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

OCT 23 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 18, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on August 1, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish off-site parking to meet the parking requirement for the proposed religious assembly located at 5534 N. Kedzie Avenue; an additional special use was granted to the subject site in Cal. No. 467-17-S and a variation was granted to the subject site in Cal. No. 469-17-Z; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the development is consistent with the design and layout of the floor plans and elevations dated September 12, 2017, prepared by Gary L. Matthews Architect.

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: Christ Center of Hope: Assembly of God

CAL NO.: 469-17-Z

APPEARANCE FOR: John Pikarski

MINUTES OF MEETING:
September 15, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 5430-58 N. Kedzie Avenue

NATURE OF REQUEST: Application for a variation to establish shared parking for a proposed religious assembly located at 5534 N. Kedzie and an existing school located at 5531 N. Kedzie Avenue.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

[Signature]

OCT 23 2017

**CITY OF CHICAGO
ZONING BOARD OF APPEALS**

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 18, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on August 1, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish shared parking for a proposed religious assembly located at 5534 N. Kedzie and an existing school located at 5531 N. Kedzie Avenue; two special uses were granted to the subject site in Cal. Nos. 467-17-S and 468-17-S; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the aforesaid variation request be and it hereby is granted subject to the following condition(s): provided the development is consistent with the design and layout of the floor plans and elevations dated September 12, 2017, prepared by Gary L. Matthews Architect.

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



OCT 23 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

Jazeh Beauty Boutique

APPLICANT

505-17-S
CALENDAR NUMBER

6430 N. Central Avenue

PREMISES AFFECTED

September 15, 2017

HEARING DATE

ACTION OF BOARD

THE VOTE

The application for the special use is approved.

Blake Sercye
Shaina Doar
Sol Flores
Sam Toia
Amanda Williams

AFFIRMATIVE	NEGATIVE	ABSENT
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE SPECIAL USE APPLICATION FOR 6430 N.
CENTRAL AVENUE BY JAZEH BEAUTY BOUTIQUE**

I. BACKGROUND

Jazeh Beauty Boutique (the "Applicant") submitted a special use application for 6430 N. Central Avenue (the "subject property"). The subject property is currently zoned B1-1 and is improved with a two-story multi-unit building. The Applicant currently occupies one of the commercial units in the building, and currently provides eyebrow threading, waxing and facial services. In addition to the services and products the Applicant currently provides, the Applicant would like to provide nail and hair services. To establish said hair and nail salon services, the Applicant sought a special use to establish a hair and nail salon on the subject property. In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City's Department of Planning and Development ("Department") recommended approval of the proposed hair and nail salon.

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's special use application at its regular meeting held on September 15, 2017, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance and

APPROVED AS TO SUBSTANCE

CHAIRMAN

by publication in the *Chicago Sun-Times*, and as continued without further notice pursuant to Section 17-13-0108 of the Chicago Zoning Ordinance. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure, the Applicant had submitted its proposed Findings of Fact. The Applicant's president Ms. Reema Jazeh Raza and its secretary Mr. Ali Raza were present. The Applicant's land planner Mr. Timothy Barton was also present. Mrs. Louise Tomaska, Ms. Maria Materna, and Ms. Irene Camargo opposed the application. Mrs. Tomaska's attorney Mr. James Tomaska was also present. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

The Applicant presented the testimony of its president Ms. Reema Jazeh Raza. Ms. Raza testified that there is a large demand for the Applicant to provide hair and nail salon services. She testified that the Applicant needs a special use to provide hair and nail salon services to its existing client base.

The Applicant presented the testimony of its secretary Mr. Ali Raza. Mr. Raza testified that the Applicant currently provides eyebrow threading, waxing and facial services. He testified that the Applicant would like to expand its business and provide hair services to the Applicant's current clients. He testified that within a year, the Applicant has expanded to about 1100 clients and that these clientele were different from the clientele of Mrs. Tomaska, Ms. Materna and Ms. Carmago. He testified that the Applicant has a lot of ethnic clientele that came in and requested hair services. He testified that adding hair and nail salon services made financial sense for the Applicant.

The ZONING BOARD OF APPEALS stated that it would not, pursuant to Illinois law, consider any arguments based upon competition and therefore wished all parties remember this when discussing clientele.

The Applicant then presented the testimony of its land planner Mr. Timothy Barton. The ZONING BOARD OF APPEALS recognized Mr. Barton as an expert in land planning. Mr. Barton first testified as to the nature of the subject property and its surrounding environment. He then testified as to how the Applicant's application met all criteria necessary for a special use.

Mr. James Tomaska, counsel for Mrs. Louise Tomaska, stated that Mrs. Tomaska was the owner of Salon Louise. He stated that Salon Louise was located at 6432 N. Central Avenue which was within 1000 feet of the subject property as 6432 N. Central Avenue and the subject property shared a common wall. He stated that Ms. Tomaska had two objections to the application: (1) oversaturation; and (2) congestion. He stated that with respect to oversaturation, there were already nine (9) personal service businesses in the downtown Edgebrook area.

The ZONING BOARD OF APPEALS stated that it did not want this oversaturation argument to become a competition argument.

Mr. Tomaska stated Mrs. Tomaska's oversaturation objection was not an objection based on competition. He stated that if the Applicant's special use were granted, there would be ten (10) personal service uses within blocks of each other.

The ZONING BOARD OF APPEALS asked why ten (10) personal service uses within blocks of each other was a bad thing.

Mr. Tomaska stated that said ten (10) personal services uses would have an effect on the character of the Edgebrook corridor of the downtown community of Edgebrook. He then read into the record a letter of opposition to the application from Alderman Napolitano.

The ZONING BOARD OF APPEALS stated that it appeared that Mr. Tomaska was arguing that if the Applicant's special use were granted there would be an impact on Mrs. Tomaska's shop.

Mr. Tomaksa agreed.

The ZONING BOARD OF APPEALS asked what this impact would be.

Mr. Tomaska stated that the impact would be congestion. He stated that this was Mrs. Tomaska's second point.

The ZONING BOARD OF APPEALS stated that before Mr. Tomaska moved on to congestion, it still wanted clarification as to how a tenth shop would have a negative impact.

Mr. Tomaska stated that with the addition of another hair and nail salon, the Edgebrook corridor was turning into beauty salon central.

The ZONING BOARD OF APPEALS again asked how this was a bad thing.

Mr. Tomaska stated that it was inhibiting growth and development of other businesses to be able to come into the community.

The ZONING BOARD OF APPEALS asked how that was not competition.

Mr. Tomaska stated that he disagreed that this was competition. He then read into the record a letter from Ms. Jeanne Marie Schultz objecting to the application. He then submitted and the ZONING BOARD OF APPEALS received into the record a group exhibit showing all the salons within the downtown Edgebrook area and their distance from the 6400 block of N. Central and particularly Salon Louise. He then submitted and the ZONING BOARD OF APPEALS received into the record the ZONING BOARD OF APPEALS' final decision in ZONING BOARD OF APPEALS Cal. No. 390-15-S.

The ZONING BOARD OF APPEALS reminded that it did not set precedent and that it must take each application on its own merits.

Mr. Tomaska stated that he understood but he requested that the ZONING BOARD OF APPEALS seek guidance from the decision.

Mr. Tomaska then requested leave to cross-examine Mr. Barton.

Mr. Barton further testified that he prepared a report in this case. He testified as to how he prepared said report. He testified that he had considered the other hair and nail salon uses in the area and was aware that the Applicant's proposed special use would be the tenth hair and nail salon use in the area. He testified he did not believe that the Applicant's proposed special use would create any oversaturation. He testified that he did not believe the Applicant's proposed special use would have a negative impact on the neighborhood as there are groupings of similar uses throughout the neighborhood. He testified that there are groupings of insurance companies, dentist offices and medical offices. He testified that he did not believe groupings in and of themselves necessarily represented any kind of saturation.

He testified that in the context of a special use application, he looks at everything on its own. He testified he would not look necessarily at one particular use but would look at additional uses, vacancies and the number and variety of businesses and uses in the neighborhood. He testified that with special uses, one took into account the totality of uses in the area, including the category of the special use, which in this particular case, was a hair and nail salon use. He then testified as to his knowledge of the 6400 block of N. Central Avenue and how this knowledge was used in formulating his opinion with respect to the Applicant's special use.

Mrs. Louise Tomaska then testified in objection to the application. She testified that she had been the owner and operator of Salon Louise at its present location at 6432 N. Central for the last thirty-seven (37) years. She testified that prior to that, she owned and operated Salon Louise at a different location in the Edgebrook neighborhood for eight (8) years. She testified that she is therefore very familiar with the Edgebrook neighborhood. She testified that it was her belief that the granting the Applicant's special use would oversaturate the area with hair and nail salons and that this would have a significant adverse impact on the community.

In response to questions from the ZONING BOARD OF APPEALS, Mrs. Tomaska testified that she believed there was a City ordinance in place that prohibited another hair and nail salon use within a 1000 feet of an existing hair and nail salon. She testified that she owned 6432 N. Central and had put her life and soul into her business and that she had a common wall with 6430 N. Central.

The ZONING BOARD OF APPEALS explained that under the Chicago Zoning Ordinance, without a special use another hair and nail salon use could not be within 1000 feet of an existing hair and nail salon. The ZONING BOARD OF APPEALS further

explained that this 1000 foot restriction was why the Applicant was before the ZONING BOARD OF APPEALS. The ZONING BOARD OF APPEALS then asked why Mrs. Tomaska considered oversaturation to be bad.

Mrs. Tomaska further testified that oversaturation would be bad because of parking as parking is terrible at this location. She testified that parking is limited and if the Applicant were to expand their business, traffic would increase in front of Salon Louise. She testified that this would make the pick-up and drop-off of her elderly clientele more difficult. She testified that if the Applicant were granted its special use, foot traffic congestion would also be increased and such increase was not compatible with the character of the surrounding area.

Ms. Maria Materna, of 6434 N. Central Avenue, testified in objection to the application. She testified that she has owned French Manicure Day Spa, located at 6434 N. Central, for twenty-eight (28) years. She testified that parking is a problem in the area. She further testified that the community is looking for businesses other than beauty businesses. She testified that it was her belief that bringing another beauty business into the area would create a problem.

Ms. Irene Camargo, of 6648 N. Sauganash Avenue, Lincolnwood, testified in objection to the application. She testified that she is a customer of Ms. Materna. She then testified as to her experiences with parking congestion in the neighborhood.

In response to concerns raised by the Mrs. Tomaska, Ms. Materna, and Ms. Camargo, Mr. Raza further testified that there would be no oversaturation because the Applicant is an existing business with an existing clientele. He testified that the Applicant's existing clientele were requesting that the Applicant provide hair and nail services. He testified that most of the businesses in the area had parking in the back to some extent, including the Applicant's business. He testified that the Applicant's clientele have never stated there was a parking problem.

Ms. Raza further testified that the parking situation in the area is just like any other part of Chicago and that one had to find parking for any business. She testified that none of the Applicant's clientele had complained about parking. She testified that the Applicant's clients understood that they will have to pay for parking. She testified that with respect to saturation, the only other hair salon with consistent hours in the area is Aqua Salon, but Aqua Salon burned down and is not going to reopen. She testified that the other hair salons in the area were open on a by appointment only basis. She testified that should the Applicant's special use be granted, the Applicant would accept walk-ins. She testified the other salons in the area that had regular hours were nail only salons. She testified that the traffic generated by the Applicant's special use would be traffic generated by the Applicant's existing clientele. She testified that depending on the service, the Applicant's clientele might be at the subject property from half an hour to two hours.

Mr. Barton further testified that any user going into the subject property, whether it was a bookstore, a baby shop, or a hair salon, would present the same parking challenges. He testified that traffic generation was not anything inherent to a hair and nail salon use. He testified that within 1000 feet of the area, there were approximately eighty-five (85) business licenses, well beyond just the nine (9) hair and nail salon uses. He testified that the area had very little vacancy, so he did not believe the Applicant's special use would have any detrimental effect on the number of businesses already in the area.

Mr. Tomaska then made a closing statement.

B. Criteria for a Special Use

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

III. FINDINGS OF FACT

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

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

As noted by Mr. Barton in his report, the subject property is zoned B1-1. A hair and nail salon use is consistent with this zoning classification. With the exception of the special use, the subject property complies with all bulk and density standards for the zoning district.

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

As Mr. Barton very credibly testified, a hair and nail salon is a very common type of personal service and thus is in the interest of the public convenience. As Mr. and Ms. Raza very credibly testified, the Applicant's existing clientele have been

requesting that the Applicant provide hair and nail salon services, again showing that the use is in the interest of the public convenience. The Applicant has been operating since March 2016 and has approximately 1100 customers. Adding a special use for the Applicant's existing customers at the subject property will not have a significant adverse impact on the general welfare of the neighborhood because these same 1100 customers are already utilizing the Applicant's business on the subject property. Although Mrs. Tomaska's counsel Mr. Tomaska, Mrs. Tomaska, Ms. Materna and Ms. Carmago all stated that allowing the Applicant's use would lead to "oversaturation," none could articulate how oversaturation created a significant adverse impact other than to say it would increase traffic in the area. However, as very credibly testified to by Mr. Barton, any retail use at the subject property would increase traffic. Further, and as noted above, the Applicant has been operating since March 2016 and has approximately 1100 customers, which customers would be those utilizing the special use. Also, despite Mr. Tomaska's claims that "oversaturation" was not the same as "competition," statements made by Mrs. Tomaska and Ms. Materna during the course of the hearing show that their primary opposition to the special use stemmed from fear of competition to their existing hair and nail salon businesses. The control or restriction of competition is not a proper or lawful zoning objective. *Cosmopolitan Nat. Bank v. Village of Niles*, 118 Ill.App.3d 87, 91 (1st Dist. 1983); see also *Lazarus v. Village of Northbrook*, 31 Ill.2d 146, 152 (1964).

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

The special use will be located within the Applicant's existing business on the subject property. The subject property is zoned B1-1 and is improved with a two-story commercial building, of which the Applicant occupies one commercial storefront.

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

Again, the special use will be located within the Applicant's existing business on the subject property. The subject property is located on a retail street with a variety of neighborhood retail and services, including but not limited to, insurance offices, medical services, grocery store use, and other salons. The Applicant's current hours of operation are not out of line with the operations of these other retail and services use. The Applicant's addition of hair and nail salon services at the subject property will not cause any additional noise or lighting as again, the special use will be located within the Applicant's existing business on the subject

property. The special use will be compatible with respect to traffic generation because this 6400 block of N. Central is a retail strip, and the special use is a retail use. Further, as noted above, the Applicant's existing clientele will be those utilizing the Applicant's special use and thus the traffic generated by the special use is already in the area.

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

As noted above, the special use will be located within the Applicant's existing business on the subject property. The special use will not require any curb cuts.

IV. CONCLUSION

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

The ZONING BOARD OF APPEALS hereby approves the Applicant's application for a special use, and 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

APPLICANT: 65 Oak Street Owner, LLC

CAL NO.: 511-17-Z

APPEARANCE FOR: Meg George

MINUTES OF MEETING:
September 15, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 57 E. Oak Street

NATURE OF REQUEST: Application for a variation to eliminate the one required loading berth for a proposed four- story retail and restaurant building.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

OCT 23 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
RECUSED		
		X

THE RESOLUTION:

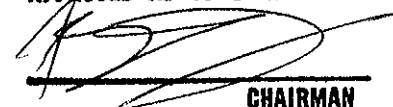
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 18, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on August 1, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to eliminate the one required loading berth for a proposed four- story retail and restaurant 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: Jessica Shahbaz **CAL NO.:** 525-17-Z

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

September 15, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1415 N. Ashland Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from 30' to zero on floors containing dwelling units for a proposed second floor rear addition for the existing two-story building which contains one, second floor dwelling unit and a first floor small venue with retail sales.

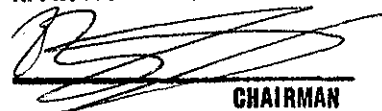
ACTION OF BOARD-

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

OCT 23 2017

**CITY OF CHICAGO
ZONING BOARD OF APPEALS**

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

APPLICANT: Steven Molo and Mary Molo

CAL NO.: 526-17-Z

APPEARANCE FOR: Joseph Gattuso

MINUTES OF MEETING:
September 15, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 341 W. Wellington Avenue

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

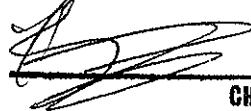
ACTION OF BOARD-

Continued to October 20, 2017 at 9:00 a.m.

OCT 23 2017

CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

APPLICANT: Rush Ontario, LLC

CAL NO.: 528-17-S

APPEARANCE FOR: Richard Keating

MINUTES OF MEETING:
September 15, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 630 N. Rush Street

NATURE OF REQUEST: Application for a special use to establish a non-accessory parking (public garage) with one hundred, twenty-seven spaces located on the third and fourth floor of an existing building.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

OCT 23 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

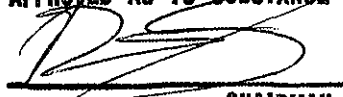
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 18, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on August 1, 2017; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the development is consistent with the design and layout of the third and fourth floor plans dated May 20, 2005, prepared by K2 Architects.

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Chulbul Pandey Inc. d/b/a. Liquor Expo **CAL NO.:** 529-17-S
APPEARANCE FOR: Tyler Manic **MINUTES OF MEETING:**
September 15, 2017
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2154 N. Halsted Street

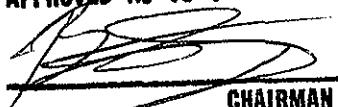
NATURE OF REQUEST: Application for a special use to establish a packaged good license for a proposed liquor store on the first floor on an existing three-story, mixed use building.

ACTION OF BOARD-
Continued to October 20, 2017 at 9:00 a.m.



OCT 23 2017

**CITY OF CHICAGO
ZONING BOARD OF APPEALS**

APPROVED AS TO SUBSTANCE

CHAIRMAN