

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

**APPLICANT:** La Casa Norte **CAL NO.:** 123-15-S  
**APPEARANCE FOR:** Danielle Cassell **MINUTES OF MEETING:**  
May 15, 2015  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1940-44 N. California Avenue

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a 25-bed, temporary, overnight shelter with additional sleeping available for a maximum of three infants.

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

**THE VOTE**

JUN 25 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
RECUSED		
X		
X		

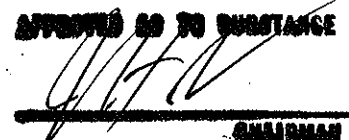
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 15, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 30, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a 25-bed, temporary, overnight shelter with additional sleeping available for a maximum of three infants; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): There shall be no more than 25 beds at this location and a maximum of three additional sleeping spaces for infants.

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:** St. James Industrial MB Church of Chicago

**CAL NO.:** 124-15-Z

**APPEARANCE FOR:** Rev. Warner Pitts

**MINUTES OF MEETING:**  
May 15, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 8539 S. Racine Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the front setback from 24.16' to 0' and to reduce the front obstruction setback from 20' to 7' for a proposed, one-story addition to an existing religious assembly facility and 25-space surface parking lot, accessed directly from S. Racine Avenue.

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

JUN 25 2015

CITY OF CHICAGO

**THE VOTE**

JONATHAN SWAIN  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

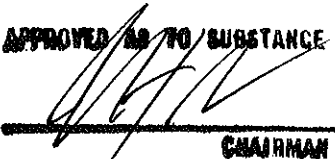
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 15, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 30, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the front setback to 0' and to reduce the front obstruction setback to 7' for a proposed, one-story addition to an existing religious assembly facility and 25-space surface parking lot, accessed directly from S. Racine Avenue; an additional variation to reduce parking was granted in Cal. No. 125-15-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:** St. James Industrial MB Church of Chicago **CAL NO.:** 125-15-Z  
**APPEARANCE FOR:** Rev. Warren Pitts **MINUTES OF MEETING:** May 15, 2015  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 8539 South Racine Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the 30 on-site, accessory parking spaces by no more than 20% (five spaces) for a proposed, one-story addition to an existing religious assembly facility the surface parking lot will be accessed directly from South Racine Avenue.

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

**THE VOTE**

JUN 25 2015

CITY OF CHICAGO

JONATHAN SWAIN  
 SOL FLORES  
 SHEILA O'GRADY  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

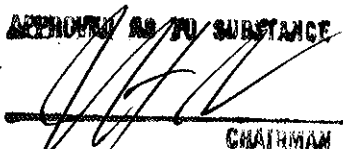
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 15, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 30, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; an additional variation was granted to the applicant in Cal. No. 124-15-Z to reduce the front setback and the front setback obstruction for an addition to the existing religious facility; the applicant shall also be permitted to reduce the 30 on-site parking by no more than 20% ( five spaces); the applicant shall provide 25 on-site parking spaces; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

**APPROVED AS TO SUBSTANCE**  
  
 CHAIRMAN

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

**APPLICANT:** ProGroup Development Inc

**CAL NO.:** 126-15-S

**APPEARANCE FOR:** Mark Kupiec

**MINUTES OF MEETING:**

May 15, 2015

**APPEARANCE AGAINST:** George Blakemore

**PREMISES AFFECTED:** 2538 N. Ashland Avenue

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a residential use below the second floor for a proposed, four-story, three-unit building with a two-story, rear, open deck connected to a rear, two-car garage with a rooftop deck.

**ACTION OF BOARD-**  
APPLICATION APPROVED

**THE VOTE**

JUN 25 2015

CITY OF CHICAGO

JONATHAN SWAIN

SOL FLORES

SHEILA O'GRADY

SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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 May 15, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 30, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; George Blakemore testified in opposition to the application; the applicant shall be permitted to establish a residential use below the second floor for a four-story, three-unit building with a two-story, rear open deck connected to a rear, two-car garage with a rooftop deck; a variation for setback reductions was also granted in Cal. No. 127-15-Z; also a lot area reduction was granted in Cal. No. 128-15-Z; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The development is constructed consistent with the design, layout, materials and plans prepared by Hanna Architects and dated April 29, 2015.

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

**APPROVED AS TO SUBSTANCE**  
*[Signature]*  
CHAIRMAN

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

**APPLICANT:** ProGroup Development Inc. **CAL NO.:** 127-15-Z  
**APPEARANCE FOR:** Mark Kupiec **MINUTES OF MEETING:**  
May 15, 2015  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 2538 N. Ashland Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the rear setback from 30' to 21.16' for a proposed, four-story, three-unit building with a two-story, rear, open deck connected to a rear, two-car garage with a rooftop deck.

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

**THE VOTE**

JUN 25 2015

CITY OF CHICAGO

JONATHAN SWAIN  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

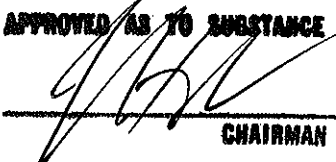
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 15, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 30, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; a special use was granted to the applicant to establish residential below the second floor in Cal. No. 126-15-S; Mr. George Blakemore testified in opposition to the applications; the applicant shall also be permitted to reduce the rear setback to 21.16' for the proposed, four-story, three-unit building with a two-story, rear, open deck connected to a rear, two-car garage with a rooftop deck; a lot area reduction was granted in Cal. No 128-15-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:** ProGroup Development Inc.

**CAL NO.:** 128-15-Z

**APPEARANCE FOR:** Mark Kupiec

**MINUTES OF MEETING:**  
May 15, 2015

**APPEARANCE AGAINST:** George Blakemore

**PREMISES AFFECTED:** 2538 N. Ashland Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to allow for the development of a lot whose minimum area of 2,700 square feet is no less than 90% of the required 3,000 square feet for a proposed, four-story, three-unit building with a two-story, rear, open deck connected to a rear, two-car garage with a roof-top deck.

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

**THE VOTE**

JUN 25 2015

CITY OF CHICAGO

JONATHAN SWAIN  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

**THE RESOLUTION:**

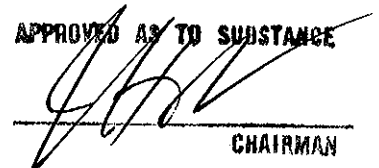
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 15, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 30, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; Mr. George Blakemore testified in opposition to the applications for special use and variations; a special use to establish residential use on the ground floor was granted in Cal. No. 126-15-S and a variation to reduce the rear setback was granted in Cal. No. 127-15-Z; the applicant shall also be permitted to reduce the minimum lot area to 2,700 square feet instead of the required 3,000 square feet; 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:** California Walton LLC **CAL NO.:** 129-15-S  
**APPEARANCE FOR:** Mark Kupiec **MINUTES OF MEETING:**  
May 15, 2015  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 924-928 N. California Avenue

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a residential use below the second floor for a proposed three-story, six-unit building with an attached, six-car garage.

**ACTION OF BOARD-**  
APPLICATION APPROVED

**THE VOTE**

JUN 25 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

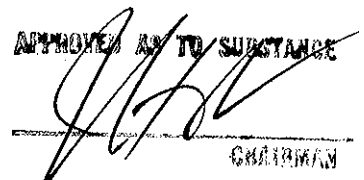
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 15, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 30, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a residential use below the second floor for a three-story, six-unit building with an attached six-car garage; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject; the applicant was also granted a variation for the subject site in Cal. No. 130-15-Z; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The development is consistent with the design, layout, materials and plans prepared by Paul Christianson and dated October 6, 2014.

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:** California Walton LLC **CAL NO.:** 130-15-Z  
**APPEARANCE FOR:** Mark Kupiec **MINUTES OF MEETING:**  
May 15, 2015  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 924-928 N. California Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the east end wall setback from 12' to 2.69' and to reduce the south front wall from 12' to 2.33' for a proposed three-story, six-unit building with an attached, six-car garage.

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

**THE VOTE**

JUN 25 2015

CITY OF CHICAGO

JONATHAN SWAIN  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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 May 15, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 30, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; a special use was granted to the subject site in Cal. No. 129-15-S to establish a residential use below the second; the applicant shall also be permitted to reduce the east end wall setback to 2.69' and to reduce the south front wall to 2.33' for a proposed three-story, six-unit building with an attached, six-car garage; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN



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

**APPLICANT:**

Troy Leight

**CAL NO.:** 133-15-Z

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
May 15, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:**

743 W. Bittersweet Place

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the rear setback from 33' to 5.99' and to reduce the rear yard open space from 357.5 square feet to 300 square feet for a proposed, three-story, rear addition, with an open, three-story, rear porch, to an existing three-story, three-unit building.

**ACTION OF BOARD.**

CASE CONTINUED TO JULY 17, 2015

**THE VOTE**

JUN 25 2015

CITY OF CHICAGO

JONATHAN SWAIN

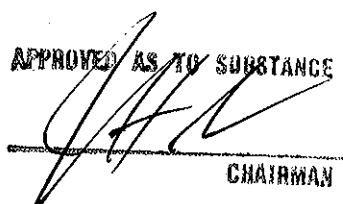
SOL FLORES

SHEILA O'GRADY

SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

**APPLICANT:**

Troy Leight

**CAL NO.:** 134-15-Z

**APPEARANCE FOR:**

**MINUTES OF MEETING:**

May 15, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:**

743 W. Bittersweet Place

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to increase the pre-existing floor area of 6,431.4 square feet by no more than 15% (953.6 square feet) for a proposed, three-story, rear addition, with an open, three-story, rear porch, to an existing three-story, three-unit building.

**ACTION OF BOARD-**

CASE CONTINUED TO JULY 17, 2015

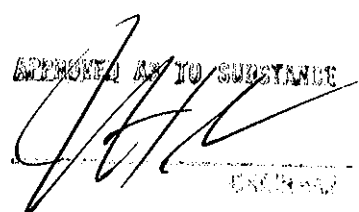
**THE VOTE**

JUN 25 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE



6/25/2015

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

**APPLICANT:** Craig and Jill Kouri **CAL NO.:** 135-15-Z  
**APPEARANCE FOR:** Same **MINUTES OF MEETING:**  
May 15, 2015  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 2310 N. Southport Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to maintain the existing building dormer height of 34' for a proposed, attic dormer addition to an existing three-story, four-unit building being de-converted to accommodate only two-units; proposal also includes the removal of an existing, rear, two-story, enclosed porch and the removal and replacement of an existing rear, detached, two-car garage with a new, rear detached, two car-garage.

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

**THE VOTE**

JUN 25 2015

CITY OF CHICAGO

JONATHAN SWAIN  
 SOL FLORES  
 SHEILA O'GRADY  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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X		
X		

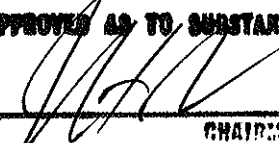
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 15, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 30, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to maintain the existing building dormer height of 34' for a proposed, attic dormer addition to an existing three-story, four-unit building being de-converted to accommodate only two-units; proposal also includes the removal of an existing, rear, two-story, enclosed porch and the removal and replacement of an existing rear, detached, two-car garage with a new, rear detached, two car-garage; a variation to increase the floor area was also granted in Cal. No. 136-15-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:** Craig and Jill Kouri **CAL NO.:** 136-15-Z  
**APPEARANCE FOR:** Same **MINUTES OF MEETING:** May 15, 2015  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 2310 N. Southport Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to increase the floor area of 3,858 square feet, in existence 50 years prior to the date of filing, by no more than 15 (247 square feet) for a proposed, attic dormer addition to an existing three-story, four-unit building being de-converted to accommodate only two-units; proposal also includes the removal of an existing, rear, two-story, enclosed porch and the removal and replacement of an existing rear, detached, two-car garage with a new, rear detached, two car-garage.

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

**THE VOTE**

JUN 25 2015

CITY OF CHICAGO

JONATHAN SWAIN  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

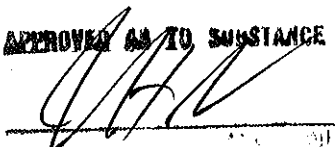
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 15, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 30, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; a variation to maintain the existing height of 34' was granted in Cal. No. 135-15-Z; the applicant shall also be permitted to increase the floor area of 3,858 square feet, in existence 50 years prior to the date of filing, by no more than 15 (247 square feet) for a proposed, attic dormer addition to an existing three-story, four-unit building being de-converted to accommodate only two-units; proposal also includes the removal of an existing, rear, two-story, enclosed porch and the removal and replacement of an existing rear, detached, two-car garage with a new, rear detached, two car-garage the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE  


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

**APPLICANT:** Acor Innovative Solutions/ DBA Urban Blades **CAL NO.:** 137-15-S

**APPEARANCE FOR:** Same **MINUTES OF MEETING:** May 15, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 948 N. Orleans Street

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

**ACTION OF BOARD-**  
APPLICATION APPROVED

**THE VOTE**

JUN 25 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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 May 15, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 30, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant 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; 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:** Chicago Board of Education

**CAL NO.:** 138-15-S

**APPEARANCE FOR:** Scott Borstein

**MINUTES OF MEETING:**  
May 15, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 4014-28 W. 59th Street

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the expansion an existing pre-school at this location.

**ACTION OF BOARD-**  
APPLICATION APPROVED

**THE VOTE**

JUN 25 2015

CITY OF CHICAGO

JONATHAN SWAIN  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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 May 15, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 30, 2015; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The development is constructed consistent with the layout and plans prepared by Coyne and Associates and dated October 1, 2014.

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:** Addivy Properties, LLC

**CAL NO.:** 139-15-Z

**APPEARANCE FOR:** Tom Moore

**MINUTES OF MEETING:**  
May 15, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 5451 N. Broadway

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

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

**THE VOTE**

JUN 25 2015

CITY OF CHICAGO

JONATHAN SWAIN  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

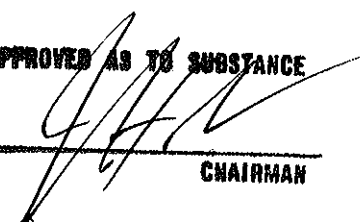
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 15, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 30, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a public place of amusement license which shall be located within 125' of an RS-3 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:** Parker Kimball, LLC **CAL NO.:** 140-15-Z  
**APPEARANCE FOR:** Tom Moore **MINUTES OF MEETING:**  
May 15, 2015  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 2722-24 N. Kimball Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the six, on-site, required, accessory parking spaces by the greater of no more than 20% or five spaces (a reduction of four spaces is requested) for a proposed, four-unit addition to an existing, 12-unit building that is greater than 50 years old.

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

**THE VOTE**

JUN 25 2015  
 CITY OF CHICAGO

JONATHAN SWAIN  
 SOL FLORES  
 SHEILA O'GRADY  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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 May 15, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 30, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the six, on-site, required, accessory parking spaces by the greater of no more than 20% or five spaces (a reduction of four spaces is requested) for a proposed, four-unit addition to an existing, 12-unit building that is greater than 50 years old; 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:** Joseph Pultz

**CAL NO.:** 141-15-Z

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
May 15, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 2102 N. Kenmore Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the rear setback from 34.68' to 0' (at the southwest part of the lot); to reduce the rear setback from 34.68' to 23.91' (at the northwest part of the lot); and, to reduce the side setback from 5' to 0' for a proposed, one-story breezeway connecting to an existing one and two-story, single family residence with an existing, rear, two car garage.

**ACTION OF BOARD-**

CASE CONTINUED TO SEPTEMBER 18, 2015

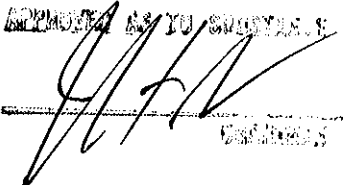
**THE VOTE**

JUN 25 2015

CITY OF CHICAGO

JONATHAN SWAIN  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

**APPROVED AS TO SUBSTANCE**  
  
JUN 25 2015

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

**APPLICANT:** BCL Home Rehab, LLC

**CAL NO.:** 142-15-Z

**APPEARANCE FOR:** Tom Moore

**MINUTES OF MEETING:**  
May 15, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1236 West Altgeld

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to increase the pre-existing floor area of 4,212 square feet by no more than 15% (538 square feet) for a proposed, two-story, rear addition to an existing two-unit building being converted to a single family residence; a rear, two car garage with a roof deck will also be constructed.

**ACTION OF BOARD-**  
VARIATION GRANTED

**THE VOTE**

JUN 25 2015

CITY OF CHICAGO

JONATHAN SWAIN

SOL FLORES

SHEILA O'GRADY

SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

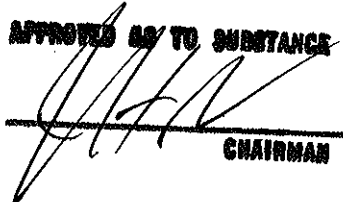
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 15, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 30, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to increase the pre-existing floor area of 4,212 square feet by not more than 15% which is 538 square feet; the applicant has also been granted an additional variation in Cal. No. 143-15-Z for yard reductions; 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:** BCL Home Rehab, LLC

**CAL NO.:** 143-15-Z

**APPEARANCE FOR:** Tom Moore

**MINUTES OF MEETING:**  
May 15, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1236 W. Altgeld Street

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the rear setback from 28' to 8.54" to reduce the west side setback from 2.4' to 0'; to reduce the east side setback from 2.4' to 0'; and, to reduce the combined side setback from 6' to 0' for a proposed, two-story, rear addition to an existing two-unit building being converted to a single family residence; a rear two-car garage with a roof deck will also be constructed, upon which will be located the 225 square feet of rear yard open space.

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

**THE VOTE**

JUN 25 2015

CITY OF CHICAGO

JONATHAN SWAIN  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

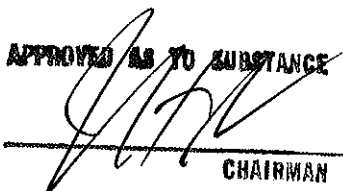
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 15, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 30, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant has been permitted to increase the floor area ratio in Cal. No. 142-15-Z; the applicant shall also be permitted to reduce the rear setback to 8.54" to reduce the west side setback to 0'; to reduce the east side setback to 0'; and, to reduce the combined side setback to 0' for a proposed, two-story, rear addition to an existing two-unit building being converted to a single family residence; a rear two-car garage with a roof deck will also be constructed upon which will be located the 225 square feet of rear yard open space; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

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

**APPLICANT:** Douk and Bahar Seur **CAL NO.:** 144-15-Z  
**APPEARANCE FOR:** Same **MINUTES OF MEETING:** May 15, 2015  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1223 W. Wellington Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the west side setback from 2' to 0.47' and to reduce the combined side setback from 5' to 2.7' for a proposed third floor (with an open balcony and stairs) rear addition to an existing two and one half-floor, single-family residence with an existing, rear, detached, two-car garage.

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

**THE VOTE**

JUN 25 2015  
 CITY OF CHICAGO

JONATHAN SWAIN  
 SOL FLORES  
 SHEILA O'GRADY  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

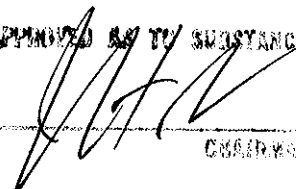
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 15, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 30, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the west side setback to 0.47' and to reduce the combined side setback to 2.7' for a proposed third floor (with an open balcony and stairs) rear addition to an existing two and one half-floor, single-family residence with an existing, rear, detached, two-car garage; an additional variation to increase the floor area ratio was granted in 145-15-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:** Dourok and Bahar Seur

**CAL NO.:** 145-15-Z

**APPEARANCE FOR:** Same

**MINUTES OF MEETING:**  
May 15, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1223 W. Wellington Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to increase the pre-existing floor area of 3,093.34 square feet by no more than 15% (277.48 square feet) for a proposed third floor (with an open balcony and stairs) rear addition to an existing two and half-floor, single-family residence with an existing, rear, detached, two-car garage.

**ACTION OF BOARD-**  
VARIATION GRANTED

**THE VOTE**

JUN 25 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

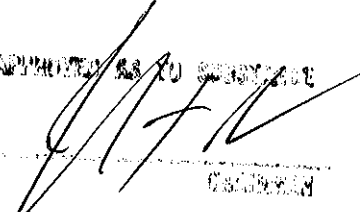
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 15, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 30, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; a variation was granted in Cal. No. 144-15-Z for yard reductions; the applicant shall now be permitted to increase the pre-existing floor area of 3,093.34 square feet by no more than 15% (277.48 square feet) for a proposed third floor (with an open balcony and stairs) rear addition to an existing two and half-floor, single-family residence with an existing, rear, detached, two-car garage; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE  
  
CLOCKMAN

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

**APPLICANT:** 300 East 51st LLC

**CAL NO.:** 146-15-S

**APPEARANCE FOR:** Bernard Lloyd

**MINUTES OF MEETING:**  
May 15, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 320 East 51st Street

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a 32-space, non-required, accessory parking lot to serve the restaurant located at 300-14 E. 51st Street.

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

**THE VOTE**

JUN 25 2015

CITY OF CHICAGO

JONATHAN SWAIN  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
RECUSED		

**THE RESOLUTION:**


WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 15, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 30, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a 32-space, non-required, accessory parking lot to serve the restaurant located at 300-14 E. 51st Street; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The development is constructed consistent with the design, layout and plans prepared by Solquest Design and dated January 30, 2015.

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

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

**APPLICANT:** Silvie's Vardar Pub, Inc.

**CAL NO.:** 147-15-Z

**APPEARANCE FOR:** Same

**MINUTES OF MEETING:**  
May 15, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1900-02 West Irving Park Road

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

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

**THE VOTE**

JUN 25 2015

CITY OF CHICAGO

JONATHAN SWAIN  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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 May 15, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 30, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant testified that the business has existed for many years; testimony was given that the applicant previously held a music and dance license and now requires a PPA license to charge at the door; the applicant shall be permitted to establish a public place of amusement license which shall be located within 125' of an RS-3 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:** Niall McGrath **CAL NO.:** 148-15-Z  
**APPEARANCE FOR:** Same **MINUTES OF MEETING:** May 15, 2015  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 3640 W. 107<sup>th</sup> Street

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the west side setback from 5' to 4'; to reduce the east side setback from 5' to 4'; and, to reduce the combined side setback from 15' to 8' for a proposed, two-story, single-family residence with a front, attached two-car garage that is accessed from W. 107<sup>th</sup> Street.

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

**THE VOTE**

JUN 25 2015

CITY OF CHICAGO

JONATHAN SWAIN  
 SOL FLORES  
 SHEILA O'GRADY  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

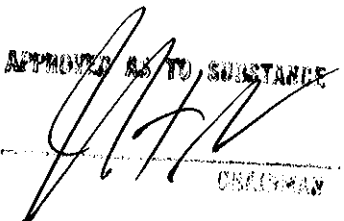
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 15, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 30, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the west side setback to 4'; to reduce the east side setback to 4'; and, to reduce the combined side setback to 8' for a proposed, two-story, single-family residence with a front, attached two-car garage that is accessed from W. 107<sup>th</sup> Street; 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  
  
 JONATHAN SWAIN



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

**APPLICANT:** Michael McInerney

**CAL NO.:** 149-15-Z

**APPEARANCE FOR:** John Pikarski

**MINUTES OF MEETING:**  
May 15, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1639-47 W. Grand Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the rear setback from 30' to 10.5' for a proposed, four-story, 18-unit building with ground floor commercial space and 15 parking spaces, also located on the first floor.

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

**THE VOTE**

JUN 25 2015

CITY OF CHICAGO

JONATHAN SWAIN  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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 May 15, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 30, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 10.5' for a proposed, four-story, 18-unit building with ground floor commercial space and 15 parking spaces, also located on the first floor; a variation for a reduction in accessory parking was also granted in Cal. No. 150-15-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 CORRECTNESS  
*[Signature]*  
2015

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

**APPLICANT:** Michael McInerney **CAL NO.:** 150-15-Z  
**APPEARANCE FOR:** John Pikarski **MINUTES OF MEETING:**  
May 15, 2015  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1639-47 W. Grand Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the 18 on-site, accessory parking spaces by no more than 20% (three spaces) for a proposed, four-story, 18-unit building with ground floor commercial space and 15 parking spaces, also located on the first floor.

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

**THE VOTE**

JUN 25 2015

CITY OF CHICAGO

JONATHAN SWAIN  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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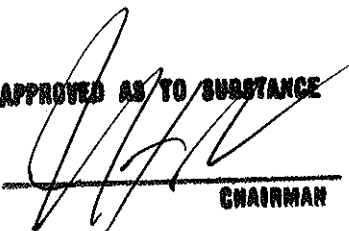
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 15, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 30, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; a variation was granted to the subject site for a rear setback reduction in Cal. No. 149-15-Z; the applicant shall also be permitted to reduce the 18 on-site accessory parking spaces by no more than 20% (three spaces); the applicant shall provide 15 on-site accessory 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:** John Morgan **CAL NO.:** 151-15-Z  
**APPEARANCE FOR:** John Pikarski **MINUTES OF MEETING:**  
May 15, 2015  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1961 N. Dayton Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the rear setback from 35' to 13.09'; to reduce the north side setback from 2' to 0'; to reduce the south side setback from 2' to 0" and. to reduce the combined side setback from 4.8' to 0' for a proposed, three-story, single-family residence with a proposed, rear, two-car garage with a roof deck, connected to the single-family residence via a patio elevated 4' above grade.

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

**THE VOTE**

JUN 25 2015

CITY OF CHICAGO

JONATHAN SWAIN  
 SOL FLORES  
 SHEILA O'GRADY  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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X		
X		
X		

**THE RESOLUTION:**

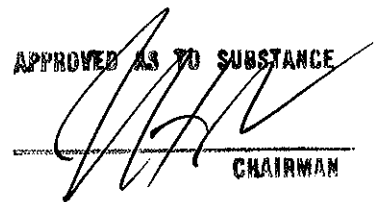
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 15, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 30, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 13.09'; to reduce the north side setback to 0'; to reduce the south side setback to 0" and to reduce the combined side setback to 0' for a proposed, three-story, single-family residence with a proposed, rear, two-car garage with a roof deck, connected to the single-family residence via a patio elevated 4' above grade; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

**APPLICANT:** LCR Capital, LLC **CAL NO.:** 152-15-S  
**APPEARANCE FOR:** Patrick Turner **MINUTES OF MEETING:**  
May 15, 2015  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1930 W. Hubbard Street

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a sports and recreation indoor youth swim training facility.

**ACTION OF BOARD-**  
APPLICATION APPROVED

**THE VOTE**

JUN 25 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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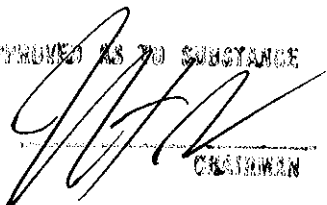
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 15, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 30, 2015; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The development is constructed consistent with the design, layout, material and plans prepared by Krieger Klatt Architects and dated May 7, 2015.

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

APPROVED AS TO SUBSTANCE  
  
 CHAIRMAN

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

**APPLICANT:** Stephen Dillinger **CAL NO.:** 153-15-Z  
**APPEARANCE FOR:** Fred Agustin **MINUTES OF MEETING:**  
May 15, 2015  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1839 North Leavitt Street

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to increase the pre-existing floor area of 3,150.48 square feet by no more than 15% (152.99 square feet) for a proposed, rear, attached one-car garage upon which will be located the 225 square feet of rear yard open space via a roof deck.

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

**THE VOTE**

JUN 25 2015

CITY OF CHICAGO

JONATHAN SWAIN  
 SOL FLORES  
 SHEILA O'GRADY  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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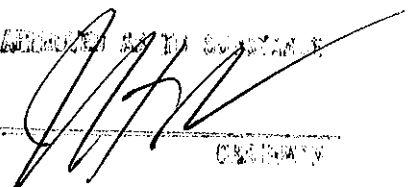
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 15, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 30, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to increase the pre-existing floor area of 3,150.48 square feet by no more than 15% (152.99 square feet) for a proposed, rear, attached one-car garage upon which will be located the 225 square feet of rear yard open space via a roof deck; an additional variation for setback relief was granted in Cal. No. 154-15-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.

  
 \_\_\_\_\_  
 JONATHAN SWAIN

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

**APPLICANT:** Stephen Dillinger **CAL NO.:** 154-15-Z  
**APPEARANCE FOR:** Fred Agustin **MINUTES OF MEETING:**  
May 15, 2015  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1839 N. Leavitt Street

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the rear setback from 28' to 3.79'; north side setback from 2' to 0.28'; to reduce the north side setback from 2' to 0'; and, to reduce the combined side setback from 4.8' to 2.8' for a proposed, rear, attached one-car garage upon which will be located the 225 square feet of rear yard open space via a roof deck.

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

**THE VOTE**

JUN 25 2015

CITY OF CHICAGO

JONATHAN SWAIN  
 SOL FLORES  
 SHEILA O'GRADY  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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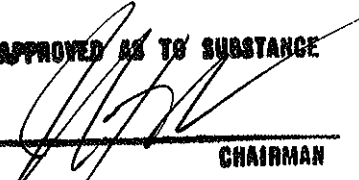
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 15, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 30, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 3.79'; north side setback to 0.28'; to reduce the north side setback to 0'; and, to reduce the combined side setback to 2.8' for a proposed, rear, attached one-car garage upon which will be located the 225 square feet of rear yard open space via a roof deck; an additional variation was granted in Cal. No. 153-15-Z to increase the pre-existing floor area by no more than 20%; 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:** Philip Black

**CAL NO.:** 155-15-Z

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
May 15, 2015

**APPEARANCE AGAINST:**

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

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the south side setback from 5' to 1.27' and to reduce the combined side setback from 15' to 8.42' for a proposed, rear, two-story addition, with a side, first floor porch/walkway and a second floor balcony, to an existing, two-story, single-family residence; the existing, rear detached, three-car garage will remain.

**ACTION OF BOARD-**  
CASE CONTINUED TO JULY 18, 2015

**THE VOTE**

JUN 25 2015

CITY OF CHICAGO

JONATHAN SWAIN

SOL FLORES

SHEILA O'GRADY

SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

  
CHAIRMAN

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

**APPLICANT:** Stephen Costa

**CAL NO.:** 156-15-S

**APPEARANCE FOR:** Paul Kolpak

**MINUTES OF MEETING:**  
May 15, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 6027 W. Addison Street

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a tattoo parlor.

**ACTION OF BOARD-**  
APPLICATION APPROVED

**THE VOTE**

JUN 25 2015

CITY OF CHICAGO

JONATHAN SWAIN  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 15, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 30, 2015; and

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

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

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

APPROVED AS TO SUBSTANCE

ZONING ADMINISTRATOR



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

**APPLICANT:** Joshua Crain

**CAL NO.:** 157-15-Z

**APPEARANCE FOR:** Paul Kolpak

**MINUTES OF MEETING:**  
May 15, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2451 N. Richmond Street

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to increase the 30' building height maximum by no more than 10% (1.75') to accommodate the improvements already made to an existing, two-story, single-family residence.

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

JUN 23 2015

CITY OF CHICAGO

**THE VOTE**

JONATHAN SWAIN  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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**THE RESOLUTION:**

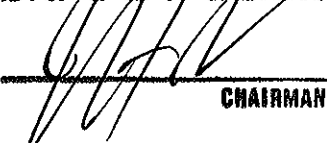
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 15, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 30, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to increase the 30' building height maximum by no more than 10% (1.75') to accommodate the improvements already made to an existing, two-story, single-family residence; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

**APPROVED AS TO SUBSTANCE**

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

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

**APPLICANT:** Parth 13, Inc. **CAL NO.:** 158-15-S  
**APPEARANCE FOR:** John O' Connell **MINUTES OF MEETING:**  
May 15, 2015  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 6501-49 S. Cicero Avenue

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a 70-room hotel with 25 accessory, on-site, parking spaces.

**ACTION OF BOARD-**  
APPLICATION APPROVED

**THE VOTE**

JUN 25 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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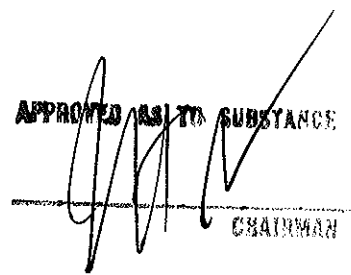
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 15, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 30, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a 70 room hotel with 25 accessory, on-site, parking spaces; further testimony was offered that the hotel would be operated by Best Western; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The development is consistent with the design, layout, materials and plans prepared by Form Development Group and dated May 13, 2015 (site plan) and May 13, 2015 (landscape plan).

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:** SMASHotels Chicago, LLC

**CAL NO.:** 159-15-Z

**APPEARANCE FOR:** Mariah Dagrino

**MINUTES OF MEETING:**  
May 15, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 224-28 E. Ontario Street

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval of to eliminate the one 10' x 50' x 14' off-street loading space for a proposed, 20-story hotel; a 10' x 26' x 9' off-street loading space will be provided.

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

**THE VOTE**

JUN 25 2015

CITY OF CHICAGO

JONATHAN SWAIN  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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 May 15, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 30, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant testified that they will be constructing a new hotel at the subject site; the applicant is requesting to reduce the size of the required loading space; testimony was offered that there will be a loading space but the size of it will be reduced; the applicant shall be permitted to eliminate 10' x 50' x 14' off-street loading space and will instead provide a 10' x 26' x 9' off-street loading space; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE  
*[Signature]*  
CHIEF CLERK

**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

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



JUN 25 2015  
CITY OF CHICAGO

**Marc Rodgers & JoAnne Sorisho**

APPLICANTS

**160-15-A**

CALENDAR NUMBER

**1136 North Winchester Avenue**

PREMISES AFFECTED

**May 15, 2015**

HEARING DATE

**Nick Ftikas**

APPEARANCE FOR APPLICANT

**Steven Valenziano**

APPEARANCE FOR ZONING ADMINISTRATOR

**NATURE OF REQUEST**

An appeal of the decision by the Zoning Administrator that the proposed reconfiguration and renovation of the existing coach house at this address constituted an unpermitted expansion of a non-conforming use.

**ACTION OF BOARD**

**THE VOTE**

The decision of the Zoning Administrator is upheld.

UPHELD      REVERSED      ABSENT

Jonathan Swain, Chair  
Sol Flores  
Sheila O'Grady  
Sam Toia

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**THE RESOLUTION OF THE BOARD**

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on May 15, 2015; and

WHEREAS, the Zoning Administrator determined that the Applicants' proposed reconfiguration and renovation of its existing coach house at the subject property constituted an unpermitted expansion of a non-conforming use; and

WHEREAS, Mr. Nick Ftikas, counsel for the Applicant, stated that the Applicants were appealing the interpretation of the Chicago Zoning Ordinance ("Zoning Ordinance"); that the evidence the Applicants intended to present at the hearing had previously been presented to the Zoning Administrator; that the Applicants owned the subject property; that the subject property is currently improved with a two-unit principal

**APPROVED AS TO SUBSTANCE**

  
CHAIRMAN

building in the front of the lot and a two-story coach house containing a third unit at the rear of the lot; that there are no on-site parking spaces provided at the subject property; that the subject property is located within the boundaries of the East Village landmark district; that the Applicants are proposing renovations of the coach house; and

WHEREAS, the Board inquired if the renovations were proposed or if they had already been made to the coach house; and

WHEREAS, Mr. Ftikas stated that the renovations were proposed changes; that no renovations had been done to the coach house; and

WHEREAS, Mr. Ftikas stated that under the plan of renovation, the Applicants are proposing to increase the floor height within the coach house so that the first floor, which is currently uninhabitable storage space, can be used to provide two (2) new on-site parking spaces; that the effect of these renovations is that the height of the structure, as calculated by the Bureau of Zoning, would increase from 15' 8" to 17' 4"; that other than the 1' 8" increase, none of the other bulk conditions would be changed or affected by this proposal; that the Applicants would not be adding floor area within the coach house, would not be adding on-site coverage, and would not be increasing on-site density by adding more units; that the existing second floor dwelling unit will essentially remain identical to what is there today; that the Applicants are trying to raise the floor so that two cars be put on the first level; that the Applicants agree with the Zoning Administrator that the coach house is a nonconforming use; and

WHEREAS, Mr. Ftikas then stated that the Applicant's issue before the Board was the following: that two conflicting sections of the Chicago Zoning Ordinance ("Zoning Ordinance") applied in this case; that under Section 17-15-0303-A of this Zoning Ordinance, a permitted expansion of a nonconforming use is only allowed when the expansion: (1) will not result in a violation of off-street parking or loading requirements; (2) will not violate any applicable bulk or density standards; (3) will not result in greater adverse impacts on the surrounding area; and (4) is not expressly prohibited by Section 17-15-0303-B; that Section 17-15-0303-B of this Zoning Ordinance prohibits the expansion of the: (1) a nonconforming use of open land; (2) a use that is allowed under this Zoning Ordinance only as a special use; (3) a nonconforming business, commercial or manufacturing use in an R district unless expressly approved as a variation; (4) a nonconforming business or commercial use in a B or C district if such expansion triggers a requirement for additional off-street parking or loading spaces; and (5) a nonconforming residential, business or commercial use in an M district if such expansion: (a) increases the number of dwelling units or residential occupancy; (b) increases the area of the zoning lot; or (c) increases the floor area by more than 20%; that in short, none of the expressed prohibitions in Section 17-15-0303-A apply to a residential coach house located in a residential district; that the Applicants' position hinges on the interpretation of Section 17-15-0303-A of this Zoning Ordinance; and

WHEREAS, Mr. Ftikas stated that the Applicants' proposed renovations to their coach house would not result in a violation off off-street parking or loading requirements;

that instead, the renovation of the coach house would add two units of parking to a lot that that does not contain or provide any parking; that the Applicants do not believe they are violating any bulk or density standards because a variation would be required to permit the proposed renovations; that said variation would allow the Applicants to reduce the rear setback and ultimately permit the height increase; that the variation, if approved, would be done in compliance with this Zoning Ordinance; that the Applicants are asking the Board to acknowledge the Applicants' right to file a variation; that further, the Applicants do not believe the proposed renovations will result in greater adverse impact on the surrounding area; that the Applicants are asking for a de minimis height increase to accommodate parking within a two (2) story structure on a lot that has no parking; that the Applicants believe they meet the standards and criteria for expanding the Applicants' nonconforming use; and

WHEREAS, Mr. Ftikas stated that the problem is that Section 17-15-0303-D of this Zoning Ordinance provides that a coach house in a landmark district – which is what the Applicants' coach house is – can be repaired and maintained but not expanded; that there is one section of this Zoning Ordinance that states the Applicants can expand provided the Applicants meets certain criteria, including that the expansion is not expressly prohibited under Section 17-15-0303-B; that there is another separate section stating that the Applicants cannot expand their nonconforming use; and

WHEREAS, the Board inquired as to the definition of a nonconforming use; and

WHEREAS, Mr. Ftikas then read into the record that pursuant to Section 17-17-02016, a nonconforming use is “a use that was lawfully established in accordance with zoning regulations in effect at the time of its establishment but that is no longer allowed by the use regulations of the zoning district in which it is now located”; and

WHEREAS, Mr. Ftikas stated the Applicants are not contesting that the Applicants coach house is not a nonconforming use; the Applicants known there use is a coach house and that such use is nonconforming use; that the Applicants believe they fit into the specific criteria of Section 17-15-0303-A and are not prohibited under 17-15-0303-B to increase the coach house height by one foot, eight inches (1' 8”); and

WHEREAS, the Board inquired if the Applicants' argument was that since the Applicants are a nonconforming use subject to Sections 17-15-0303-A and B, that the Applicants should be allowed to expand the use under those two sections even though Section 17-15-0303-D specifically states that nonconforming coach houses cannot be expanded; and

WHEREAS, Mr. Ftikas stated that this was the Applicants' argument; that after going through Section 17-15-0303-A, a coach house does not appear on the expressly prohibited list of Section 17-15-0303-B; that therefore there is a disconnect in this Zoning Ordinance as one section says the Applicants' proposal can be done and one section saying that the proposal cannot be done; that he does not fault Mr. Valenziano for Mr. Valenziano's position because the City's Department of Planning and Development

("Department") always takes the more restrictive interpretation when there are competing sections of this Zoning Ordinance; and

WHEREAS, the Board inquired as to what courts have said when they have looked at zoning conflicts; and

WHEREAS, Mr. Ftikas stated that the Applicants have not addressed case law on this; that the Applicants are bringing this to the Board to show the Board that there are two conflicting sections of this Zoning Ordinance; that in contract law the general rule is that inconsistencies are construed against the drafter; that in this case, the drafter would be the City; and

WHEREAS, the Board stated that the Applicants' position, as the Board understood it, is that according to contract law, since the City "messed up," the City would have to "eat it"; and

WHEREAS, Mr. Ftikas agreed; that had the restriction of Section 17-15-0303-D appeared as number six in Section 17-15-0303-B, the Applicants would not be appearing before the Board on this appeal; and

WHEREAS, the Board again inquired as to case law; that the Board was sure this is not the first time conflicting provisions have arisen under this Zoning Ordinance; that the Board then inquired if there was any case law on point that speaks to what happens when there are conflicting provisions of zoning ordinances; and

WHEREAS, Mr. Ftikas stated that he would be happy to brief the issue for the Board; that the Applicants had not done so in anticipation of the hearing; that the Applicants had brought the conflicting sections of this Zoning Ordinance; and

WHEREAS, the Board stated it would listen to Mr. Valenziano and then determine if the issue needed to be briefed; that the Board asked if Mr. Ftikas had any other arguments to make; and

WHEREAS, Mr. Ftikas again stated that the matter before the Board was the interpretation of the conflicting sections of this Zoning Ordinance; that although the Applicants have prepared plans of the proposed renovations, the appeal is not based on the plans; and

WHEREAS, Mr. Steven Valenziano, staff member of the Department testified on behalf of the Zoning Administrator; that this Zoning Ordinance is generally constructed so that if there is a more specific regulation, this more specific regulation governs; that Section 17-15-0303-D prohibits the expansion of a coach house in a landmark district; that Section 17-15-0303-D allows for normal maintenance necessary to keep the coach house in sound condition but no expansions are allowed; that while there is a conflict between Sections 17-15-0303-A and B and Section 17-15-0303-D, this Zoning Ordinance has Section 17-1-1002; that Section 17-1-1002 of this Zoning Ordinance states that "if

the provisions of this Zoning Ordinance are inconsistent with one another, or if they conflict with provisions found in other adopted ordinances or regulations of the City, the more restrictive provision will control. The more restrictive provision is that the one that imposes greater restrictions or more stringent controls on development"; that he believes Section 17-1-1002 is clear; and

WHEREAS, the Board inquired as to Mr. Ftikas' response to this section of this Zoning Ordinance; and

WHEREAS, Mr. Ftikas stated that the Applicants' argument goes a step further to say that when there are two conflicting sections of this Zoning Ordinance, then the Board can look at said sections; and

WHEREAS, the Board stated that it wished for Mr. Ftikas to specifically speak to Section 17-1-1002; that this section seems to be on point; that this section states that if there are conflicting provisions of this Zoning Ordinance, the more conflicting provisions controls; and

WHEREAS, Mr. Ftikas stated he could not speak for the Department; that it was his understanding that the Department has taken this position across the board; and

WHEREAS, the Board stated that it was this Zoning Ordinance that stated this position not the Department; and

WHEREAS, Mr. Ftikas acknowledged that Section 17-1-1002 existed; that the given the definition of nonconforming use and the competing sections of Sections 17-15-0303-A and B and Section 17-15-0303-D, the Applicants were still asking the Board to consider the facts and conclude that the facts fit within the permitted expansion of a nonconforming use; and

WHEREAS, the Board inquired as to where and why the Board would be allowed to do that; that the Board then inquired as to what gives the Board the ability to make such a determination; and

WHEREAS, Mr. Ftikas stated that the general rule is that any aggrieved party can file an appeal before the Board; that the Applicants are therefore appealing the Department's interpretation of this Zoning Ordinance; and

WHEREAS, the Board stated that the Board's standard of review is not one of equity; that the Board's standard of review in this matter is how the Zoning Administrator erred in her decision; that this is the standard which this Zoning Ordinance says the Board must evaluate appeals; and

WHEREAS, Mr. Ftikas stated that the Applicants had brought the case to the Board because the Applicants felt it was a unique case; and



WHEREAS, the Board stated that the Applicants were asking the Board to look at the case differently than the Board was required to under this Zoning Ordinance; and

WHEREAS, Mr. Ftikas stated that the Board was not necessarily required to under this Zoning Ordinance; that the Applicants were asking the Board to look differently at this because one section of this Zoning Ordinance was in conflict with another section of this Zoning Ordinance; and

WHEREAS, the Board stated that according to Mr. Valenziano, this Zoning Ordinance provides that when sections of this Zoning Ordinance are in conflict, the more restrictive section control; and

WHEREAS, Mr. Ftikas stated that if this were the position of the Board, the Applicants would have to revise their plan; that the Applicants believed the Board had the ability to look at the two sections of this Zoning Ordinance and determine which section correctly applied; and

WHEREAS, the Board inquired as to what this ability of the Board was based upon; and

WHEREAS, Mr. Ftikas stated that this ability is based on the application and the interpretation of this Zoning Ordinance; that this is the underlying policy as that is what the Board does; and

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

THE ZONING BOARD OF APPEALS having fully heard the testimony and arguments of the parties and as the decision of the Zoning Board of Appeals to sustain an appeal must be based solely on the approval criteria enumerated in Section 17-13-1208 of the Chicago Zoning Ordinance, and the Board being fully advised, hereby makes the following findings with reference to the Applicant's appeal:

1. The Board finds that the under Section 17-1-1002 of this Zoning Ordinance, if two provisions of this Zoning Ordinance are in conflict, the more restrictive provision controls on development. Therefore, in the case of the Applicants' nonconforming coach house in a landmark district, the Board finds that the Zoning Administrator correctly determined that Section 17-15-0303-D controls the development of the nonconforming coach house. The Board makes this finding due to the fact that Section 17-15-0303-D is more restrictive than Section 17-15-0303-A.
2. The Board further finds that the Applicant did not meet its burden of persuasion that the Zoning Administrator erred as required by Section 17-13-1208.

RESOLVED, the Board hereby affirms the Zoning Administrator's decision, and the Applicants' appeal is denied.

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

**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

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



JUN 25 2015  
CITY OF CHICAGO

**Lakeshore Outdoor Advertising, Inc.**

APPLICANT

**161-15-A**

CALENDAR NUMBER

**833 North Milwaukee Avenue**

PREMISES AFFECTED

**May 15, 2015**

HEARING DATE

**Nick Ftikas**

APPEARANCE FOR APPLICANT

**Steven Valenziano**

APPEARANCE FOR ZONING ADMINISTRATOR

**NATURE OF REQUEST**

An appeal of the decision by the Zoning Administrator to refuse the granting of nonconforming status to an off-premise advertising sign at this location.

**ACTION OF BOARD**

**THE VOTE**

The decision of the Zoning Administrator is reversed.

UPHELD      REVERSED      ABSENT

Jonathan Swain, Chair  
Sol Flores  
Sheila O'Grady  
Sam Toia

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**THE RESOLUTION OF THE BOARD**

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on May 15, 2015; and

WHEREAS, the Zoning Administrator determined that the Applicant's off-premise advertising sign at the subject property did not have legal nonconforming status; and

WHEREAS, Mr. Nick Ftikas, counsel for the Applicant, stated that the Applicant was appealing the Zoning Administrator's decision to not recognize the legal nonconforming status of the existing 600 square foot, off-premise advertising sign on the subject property; that about a year ago the Applicant intended to obtain a sign permit for the existing wall sign located on the north wall of the existing building on the subject property; that the City of Chicago ("City") denied the Applicant's sign permit application and took the position that a new off-premise sign could not be permitted at this location

**APPROVED AS TO SUBSTANCE**

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

under this 2004 Zoning Ordinance; that the Applicant agrees that based solely on this 2004 Zoning Ordinance, the Applicant could not comply with the required site conditions to establish a new off-premises advertising sign at the subject property; that, however, the existing sign at the subject property is a legal nonconforming off-premise advertising sign; that said sign was properly established prior to the 1990 amendment to this Zoning Ordinance and has been in continuous use ever since; that in 1989, the current property owner began utilizing the existing sign to advertise a real estate development located on Racine Street in the West Loop; that about a year later, in June of 1990, an electronics and cellphone store that was doing business across the street from the subject property began to lease the sign; that from 1990 until 2009, said electronics and cellphone store – Mid City Cellular – exclusively maintained advertising on the subject sign; that Dan Ruge, the principal of Mid City Cellular, was not available to attend the hearing but he had provided a notarized statement stating this company did lease the subject sign for a period of nearly twenty (20) years; that said notarized statement is Applicant's Exhibit 1; that the Applicant did have Jeff Bawles, the current property owner, at the hearing to testify; that Mr. Bawles has also provided a signed statement summarizing the sign's history as he knows it; that after the expiration of the lease with Mid City Cellular, Mr. Bawles leased the sign to a national telecom advertiser; that the advertiser installed various cellphone and company advertisements over a period of about three (3) years; and

WHEREAS, the Board inquired if this three (3) year time period was from 2010 until now; and

WHEREAS, Mr. Ftikas stated that actually, the three (3) year time period began at the very end of 2009 and ended earlier than now; that in 2010, a City inspector cited the sign and an administrative hearing action was began; that the City subsequently dismissed its administrative hearing action regarding the sign, so there was never any prosecution; that about a year later, in May 2011, a City inspector cited the sign again; that this time the City did prosecute an administrative complaint; that the City settled the case for a \$10,000 fine for "installing the sign without a permit;" that nevertheless the sign was kept on display with active advertisement until approximately January 2012; that at this point, the property owner painted the 600 square foot wall sign space white; and

WHEREAS, the Board inquired if prior to January 2012, the sign was painted; and

WHEREAS, Mr. Ftikas stated that the sign began as a painted sign but by January of 2012, it was a vinyl sign; that for the sake of creating a placeholder while he sorted out permitting issues, Mr. Bawles painted the sign space white; and

WHEREAS, the Board inquired as to how the vinyl sign had been attached to the building; and

WHEREAS, Mr. Ftikas stated that the vinyl sign was attached with "J" hooks; that Mr. Bawles painted the sign space white after paying a \$10,000 fine; that Mr. Bawles

ultimately entered into a lease with the Applicant; that after conducting due diligence, the Applicant filed a sign permit application with the City; that said permit application was denied and this is what brings the Applicant before the Board today; and

WHEREAS, Mr. Ftikas then submitted into evidence Applicant's Exhibit 3; that he stated said exhibit was a collection of photographs of the subject sign taken between the period of 1990 and 2012; that the collection of photographs included several color photographs showing cellphone advertisements on the subject sign; that the Zoning Administrator denied the Applicant legal nonconforming status of the subject sign on three bases; that first, the City alleges that because the sign was not permitted when established, the sign cannot comply with this Zoning Ordinance's definition of legal nonconforming use; that the Applicant believes the City's logic is wrong; that prior to July 12, 1990, there was no requirement or even a process for the Applicant to obtain a permit for a non-illuminated painted wall sign as no permit existed; that prior to July 12, 1990, this Zoning Ordinance restricted signs to certain zoning districts and imposed limitations on a sign's area based on amount of lot frontage but did not require a permit for non-illuminated painted wall displays; that the underlying zoning district of the subject sign is a B-3; that under this 1957 Zoning Ordinance that was in effect when the subject sign went up in 1989, the B-3 zoning district supported up to 600 square feet of total sign area; that because the sign is not illuminated and is a painted wall sign there was no mechanism in place under this 1957 Zoning Ordinance to obtain a permit until July 12, 1990; that therefore the subject sign was lawfully established in accordance with the zoning regulations in effect at the time of its establishment which is consistent with this Zoning Ordinance's definition of a nonconforming sign; that again, because the establishment predates the July 12, 1990 change, the sign qualifies as legal nonconforming; and

WHEREAS, Mr. Ftikas then stated the City's second basis for denial of the subject sign's nonconforming status is that when the Applicant changed the sign from a painted wall sign to a vinyl sign such a change amounted to an unpermitted alteration; that the Applicant believes the City's position is in direct conflict with the definition of painted wall signs and vinyl signs under this Zoning Ordinance; that under this Zoning Ordinance, painted wall signs and vinyl signs are defined as one and the same; that therefore the character of the subject sign never changed when it went from a painted wall sign to a vinyl sign and then back to a painted wall sign as a place-saver; that the City's position is also in conflict with this Zoning Ordinance's definition of "alteration" as well as this Zoning Ordinance's definition of alteration specific to sign structures; that the Board has consistently held that the change from painted wall to vinyl sign is a permitted alteration that does not compromise a sign's legal nonconforming status; that at no point during the life of the subject sign has a sign structure ever been introduced or implemented on the wall that would compromise its legal nonconforming status; and

WHEREAS, Mr. Ftikas then stated that the City's third basis for denial of the subject sign's nonconforming status is that the City claims that because the painted wall sign has been painted white since 2012, the sign is now deemed to be abandoned; that Illinois courts have taken a different position on this point and have consistently held that in

order to constitute a discontinuation of a legal nonconforming use, there must be evidence of voluntary conduct carrying the implication that the owner intended to discontinue the nonconforming use; that this is stated in *Village of Plainfield v. American Cedar Designs, Inc.*, an Illinois appellate case; that case law requires that there has to be some intent to abandon the use; that historically, the Board has followed this and established a precedent consistent with Illinois case law; that in 2010, the Board acknowledged legal nonconforming status for a roof top sign that had had its faces removed for a period of years; that the basic facts of that case are similar to the Applicant's case in that the owner never intended to lose the sign; that in the Applicant's case, the property owner has diligently tried to keep his asset; that he maintained active advertising from 1989 to 2012; that he painted the sign white after paying a \$10,000 fine while he worked through the permitting issues; that the white painted wall display is definitely a placeholder and has not triggered subsequent violations or hearings in the administrative hearings division of Cook County; that the property owner of the subject sign hired a qualified site contractor, made an application for a sign permit, and then brought this appeal before the Board; that these are proactive steps; that when applying Illinois case law, there is no evidence of voluntary conduct by the property owner that will lead someone to conclude that the property owner intended to discontinue the nonconforming use; and

WHEREAS, Mr. Ftikas stated that when taking all of this evidence together, it is the Applicant's position that the subject sign was clearly established as a non-illuminated painted wall sign prior to the 1990 change to this Zoning Ordinance; that as long the subject off-premise wall sign was established prior to 1990, the subject sign is legal; that the three reasons given by the Zoning Administrator in her denial are not supported by this Zoning Ordinance, the holdings of this Board, or case law; that the Applicant believes the Zoning Administrator should be overturned and that legal nonconforming status should be recognized for the subject sign; and

WHEREAS, Mr. Gray Megan testified on behalf of the Applicant; that he is the president of the Applicant; that when the subject sign was a vinyl sign, it had a standard small steel clip that attaches hooks around the edge of the vinyl that fastened the sign closer to the wall; that said clip is attached directly to the wall and is anchored into the bolt; that the other end of the clip is "L" shaped; that that this is identical to other signs around the City; and

WHEREAS, Mr. Steven Valenziano, staff member of the Department of Planning and Development ("Department"), testified on behalf of the Zoning Administrator; that the Zoning Administrator determined the subject sign is not a nonconforming sign because Section 17-15-0502 of this Zoning Ordinance defines a nonconforming sign as a sign that was lawfully established pursuant to a lawfully issued permit but is no longer allowed by the regulations of this Zoning Ordinance; that the subject sign was not established by a lawfully issued permit; that this was found by the administrative hearing officer and was why the \$10,000 fine was issued; that beyond this, the Zoning Administrator looked at alterations of a nonconforming sign; that the subject sign was a painted wall sign; that a painted wall sign is "a sign applied to a building wall with paint

or a thin layer of vinyl, paper or similar material *adhered* directly to the building surface and that has no sign structure” (Section 17-17-02113 of this Zoning Ordinance); that, in contrast, a wall sign is defined as “a single-faced sign *attached* flush to a building or other structure or a sign consisting of light projected onto the building or other structure; wall signs do not include signs that are attached to sign structures” (Section 17-17-02191 of this Zoning Ordinance); that the subject sign was a painted wall sign that then became a wall sign; that as a wall sign, the subject sign was “attached” rather than “adhered” to the wall or applied to the wall; that “attached” and “adhered” are different terms that have different meanings; that if the subject sign were a nonconforming sign, a change of copy or a substitute of panels or faces of nonconforming signs would be permitted without affecting the legal status of the sign; that no other alterations to nonconforming signs are allowed except for routine maintenance and repair; that alterations to nonconforming signs are defined under Section 17-15-504 of this Zoning Ordinance; that a 2013 amendment to Section 17-15-504 says that “the alteration of any nonconforming sign, other than for routine maintenance and repair, shall cause the sign to lose its status as a legal nonconforming sign and such status shall not be reestablished;” that, further, this 2013 amendment is intended to clarify rather than change existing law; that, in addition, in the photographs that were submitted by the Applicant to both the Department and the Board, there is a picture of the building with the sign in a whited out condition sometime in the 1960s; that there is a more recent picture of the building with the sign enlarged; that therefore, if the subject sign were a nonconforming sign, the sign would have been altered in a way not allowed under this Zoning Ordinance to become larger; that beyond this, a painted wall sign is a defined term under this Zoning Ordinance; that the subject sign went from a painted wall sign to a wall sign; that this is an alteration is not allowed under this Zoning Ordinance; and

WHEREAS, Mr. Ftikas clarified that one of the photographs referenced by Mr. Valenziano appears to be a very old, dated photograph of a sign on a building; that said picture was obtained from the Chicago Historical Society; that the Applicant had difficulty confirming that the photograph showed the subject sign’s building; that the photo makes it appear as if a floor was removed from the subject sign’s building which does not make sense as the Applicant could find no permit history for a floor being removed from the building; that the Applicant would therefore request that the photograph be taken out of the record; and

WHEREAS, the Board stated that if Mr. Valenziano wished to submit said photograph, the Board would accept said photograph into evidence; and

WHEREAS, Mr. Valenziano stated that the photograph had been submitted to the Department by the Applicant for the Department’s review; and

WHEREAS, the Board requested to see the photograph as it was not in the packet submitted to the Board; and

WHEREAS, Mr. Ftikas stated the Applicant did not believe it is the same building; and

WHEREAS, the Board requested that Mr. Valenziano approach the Board; that Mr. Valenziano had submitted two (2) photographs into evidence; that for evidence purposes, they would be called Zoning Administrator's Number 1 and Number 2; that the Board then requested that Mr. Valenziano point to the buildings that the Department had determined where the same buildings; and

WHEREAS, Mr. Valenziano did so; that Mr. Valenziano agreed with Mr. Ftikas that he did not know what alterations to the building had occurred; that, however, said photographs were submitted as part of the Applicant's sign ordinance application and were therefore part of the Department's review; and

WHEREAS, the Board then requested that Mr. Ftikas approach the Board; and

WHEREAS, Mr. Valenziano again stated that these photographs were presented to the Department by the Applicant to show that the Applicant's sign is a nonconforming sign; and

WHEREAS, the Board inquired as to Mr. Ftikas' argument as to the photographs; and

WHEREAS, Mr. Ftikas stated that Mr. Valenziano was correct; that the Applicant gave the Department all the photographs it had; that the Applicant has determined that the photograph in question, dating from 1967, does not show the subject sign's wall; that the Applicant believes this due to the little white building; that the Applicant is not saying that the sign was legally established in 1967 as a painted wall sign; and

WHEREAS, the Board inquired if the Applicant's argument was that the sign was established prior to 1990; and

WHEREAS, Mr. Ftikas stated regardless of the photographs, the property owner put up the sign in 1989; that from 1989 until now, it has been in continuous use;

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

THE ZONING BOARD OF APPEALS having fully heard the testimony and arguments of the parties and as the decision of the Zoning Board of Appeals to sustain an appeal must be based solely on the approval criteria enumerated in Section 17-13-1208 of the Chicago Zoning Ordinance, and the Board being fully advised, hereby makes the following findings with reference to the Applicant's appeal:

1. The Board finds that the Zoning Administrator's distinction between



“adhered” painted wall signs in Section 17-17-02113 of this Zoning Ordinance and “attached” wall signs in Section 17-17-02191 of this Zoning Ordinance cannot be supported by the Merriam-Webster Dictionary definition of “adhere”.

2. The Board finds that since there is no distinction between “adhered” and “attached” wall signs, the change from painted wall sign to vinyl wall sign is a permitted alteration as defined under Section 17-15-0504 because a change from painted wall sign to vinyl wall is a “substitution of face.”

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

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

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

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

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

**APPLICANT:** Larrabee Partners, LLC

**CAL NO.:** 162-15-Z

**APPEARANCE FOR:** Nick Ftikas

**MINUTES OF MEETING:**  
May 15, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 943 N. Crosby Street /934 N. Larrabee Street

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the on-site, accessory parking spaces by no more than 20% (five) for a proposed, four-story office building with ground floor commercial space and 22 indoor parking spaces, also located on the ground floor.

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

**THE VOTE**

JUN 25 2015

CITY OF CHICAGO

JONATHAN SWAIN  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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 May 15, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 30, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the on-site, accessory parking spaces by no more than 20% (five) for a proposed, four-story office building with ground floor commercial space and 22 indoor parking spaces, also located on the ground floor; 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:** Greymark Development Group, LLC **CAL NO.:** 163-15-Z  
**APPEARANCE FOR:** Nick Ftikas **MINUTES OF MEETING:**  
May 15, 2015  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1763 W. Cullom Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the rear setback from 25.9' to 0' and to allow for the 225 square feet of rear yard open space to be established on the roof of a proposed, rear, three-car garage with a rooftop deck and attached to a proposed, two-story single-family residence.

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

**THE VOTE**

JUN 25 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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X		
X		
X		

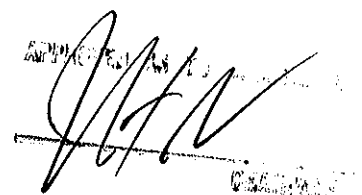
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 15, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 30, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 0' and to allow for the 225 square feet of rear yard open space to be established on the roof of a proposed, rear, three-car garage with a rooftop deck and attached to a proposed, two-story single-family residence; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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



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

**APPLICANT:** RT Real Estate, LLC

**CAL NO.:** 164-15-Z

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
May 15, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 1838 N. Cleveland Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the rear setback from 33.32' to 18.83'; to reduce the north side setback from 2' to 0'; and, to reduce the combined side setback from 4.8' to 3' for a proposed, three-story, single-family residence connected to a proposed, rear, two-car garage with a roof deck.

**ACTION OF BOARD-**  
CASE CONTINUED TO AUGUST 21, 2015

**THE VOTE**

JUN 25 2015

CITY OF CHICAGO

JONATHAN SWAIN  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

**APPROVED AS TO SUBSTANCE**

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

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

**APPLICANT:** RSA-Randolph, LLC

**CAL NO.:** 165-15-Z

**APPEARANCE FOR:** Sara Barnes

**MINUTES OF MEETING:**  
May 15, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1342 W. Randolph Street

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to increase the 70' building height maximum by no more than 10% (to 77') for the addition of a seventh floor, containing two units, to an existing, six-story, 22-unit building with ground floor retail space and a 23-car, first floor, rear garage, accessed from North Ada Street.

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

JUN 25 2015

CITY OF CHICAGO

**THE VOTE**

JONATHAN SWAIN

SOL FLORES

SHEILA O'GRADY

SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

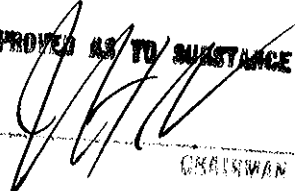
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on May 15, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 30, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to increase the 70' building height maximum by no more than 10% (to 77') for the addition of a seventh floor, containing two units, to an existing, six-story, 22-unit building with ground floor retail space and a 23-car, first floor, rear garage, accessed from North Ada Street; 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  
  
JONATHAN SWAIN

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

**APPLICANT:** 1857 W. Dickens LLC **CAL NO.:** 166-15-Z  
**APPEARANCE FOR:** Sara Barnes **MINUTES OF MEETING:**  
May 15, 2015  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1857 W. Dickens Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to increase the pre-existing floor area of 4,213.26 square feet by no more than 15% (495.66 square feet) for a proposed , fourth floor addition to the existing three-story, four-unit, front building.

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

**THE VOTE**

JUN 25 2015  
 CITY OF CHICAGO

JONATHAN SWAIN  
 SOL FLORES  
 SHEILA O'GRADY  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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 May 15, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 30, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to increase the pre-existing floor area of 4,213.26 square feet by no more than 15% (495.66 square feet) for a proposed , fourth floor addition to the existing three-story, four-unit, front building; an additional variation was granted in Cal. No. 167-15-Z to increase the building height; 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:** 1857 W. Dickens, LLC

**CAL NO.:** 167-15-Z

**APPEARANCE FOR:** Sara Barnes

**MINUTES OF MEETING:**  
May 15, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1857 W. Dickens Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to increase the 45' building height maximum by no more than 10% (4.5') for a proposed, fourth floor addition to the existing three-story, four-unit, front building.

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

**THE VOTE**

JUN 25 2015

CITY OF CHICAGO

JONATHAN SWAIN  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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 May 15, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 30, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; a variation to increase the pre-existing floor area was granted to the subject site in Cal. No. 166-15-Z; the applicant shall also be permitted to increase the 45' building height maximum by no more than 10% (4.5') for a proposed, fourth floor addition to the existing three-story, four-unit, front 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:** Pathways in Education-Illinois

**CAL NO.:** 370-14-S

**APPEARANCE FOR:**

**DATE OF MEETING:**  
May 15, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 4816 North Western Avenue

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a high school.

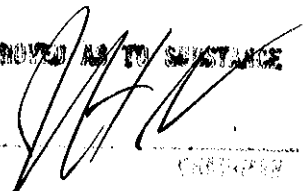
**ACTION OF BOARD-**  
CASE CONTINUED TO JULY 17, 2015

**THE VOTE**

JUN 25 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE  
  
CHIEF CLERK



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

**APPLICANT:** S. Bar Sinister, LLC

**CAL NO.:** 15-15-S

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
May 15, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 1238-1300 N. Kostner Avenue

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the expansion of an existing Class IV-B recycling facility.

**ACTION OF BOARD-**  
CASE CONTINUED TO MARCH 20, 2015


**THE VOTE**

JUN 25 2015

CITY OF CHICAGO

JONATHAN SWAIN  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

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

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

**APPLICANT:**

POGN, LLC

**CAL NO.:** 17-15-S

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
May 15, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:**

220 South Green Street

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a non-accessory parking garage for 24 spaces in a proposed 156-space parking garage at this location; the remaining 132 spaces will serve for the exclusive use of the 60 units to be located in this proposed 10-story building.

**ACTION OF BOARD-**

CASE CONTINUED TO JUNE 19, 2015

**THE VOTE**

JUN 25 2015

CITY OF CHICAGO

JONATHAN SWAIN

SOL FLORES

SHEILA O'GRADY

SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

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

**APPLICANT:** POGN, LLC

**CAL NO.:** 18-15-Z

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
May 15, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 220 South Green Street

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the rear setback from 30' to 15'; to reduce the rear setback off of the alley for a garage entrance from 2' to 0'; and, to eliminate the one required, off-street 10' x 14' x 25' loading berth for a proposed, 10-story, 60-unit building with a 156- space parking garage located on the first three floors.

**ACTION OF BOARD-**  
CASE CONTINUED TO JUNE 19, 2015

**THE VOTE**

JUN 25 2015

CITY OF CHICAGO

JONATHAN SWAIN

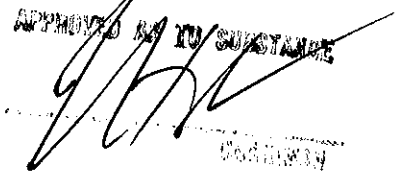
SOL FLORES

SHEILA O'GRADY

SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		

**APPROVED BY TO SUBSTAIN**



**COMMISSION**

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

**APPLICANT:** Dolyva Properties, LLC

**CAL NO.:** 43-15-S

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
May 15, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 3102 South Giles Avenue

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a residential use below the second floor for a proposed four-story, eight unit building, with eight rear surface parking spaces.

**ACTION OF BOARD-**  
CASE CONTINUED TO SEPTEMBER 18, 2015

**THE VOTE**

JUN 25 2015

CITY OF CHICAGO

JONATHAN SWAIN

SOL FLORES

SHEILA O'GRADY

SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		

APPROVED BY CITY CLERK  
*[Signature]*  
CITY CLERK

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

**APPLICANT:** Dolyva Properties, LLC-3108 S. Giles **CAL NO.:** 44-15-S

**APPEARANCE FOR:** **MINUTES OF MEETING:**  
May 15, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 3108 South Giles Avenue

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a residential use below the second floor for a proposed four-story, eight-unit building with eight, rear surface parking spaces.

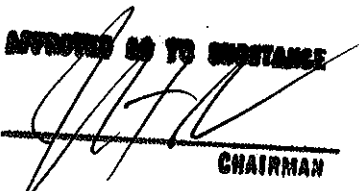
**ACTION OF BOARD-**  
CASE CONTINUED TO SEPTEMBER 18, 2015

**THE VOTE**

JUN 25 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		

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

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

**APPLICANT:** Dolyva Properties, LLC

**CAL NO.:** 45-15-Z

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
May 15, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 3108 S. Giles Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the front setback from 8.75' to 0' for a proposed four-story, eight-unit building with eight, rear surface parking spaces.

**ACTION OF BOARD-**  
CASE CONTINUED TO SEPTEMBER 18, 2015

**THE VOTE**

JUN 25 2015

CITY OF CHICAGO

JONATHAN SWAIN

SOL FLORES

SHEILA O'GRADY

SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		

**APPROVED AS TO SUBSTANCE**



CHAIRMAN

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

**APPLICANT:** Lirim Jacob Tehillim

**CAL NO.:** 63-15-S

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
May 15, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 2468 N. Clark Street, Suite A

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a nail and hair salon.

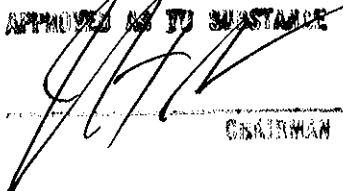
**ACTION OF BOARD-**  
WITHDRAWN ON MOTION OF THE APPLICANT

**THE VOTE**

JUN 25 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

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



JUN 25 2015  
CITY OF CHICAGO

**Barrett Homes, LLC**  
APPLICANT

**116-15-Z & 117-15-Z**  
CALENDAR NUMBER

**1702 & 1722 N. Burling Street**  
PREMISES AFFECTED

**May 15, 2015**  
HEARING DATE

**Nick Ftikas**  
APPEARANCE FOR APPLICANT

**Ald. Fioretti, Ald. Smith & Others**  
OBJECTORS

**NATURE OF REQUESTS**

**1702 N. Burling Street:** Application for a variation to reduce the rear setback from 29.12' to 0'; to reduce the north side setback from 2.88' to 0.33'; to reduce the combined setback from 7.2' to 4.66'; and to reduce to the rear yard open space from 243.36 square feet to 0 square feet for a proposed three-story, single-family home with a rear attached three-car garage with a roof deck.

**1722 N. Burling Street:** Application for a variation to reduce the rear setback from 29.12' to 0'; to reduce the north side setback from 2.88' to 1' 8"; to reduce the combined side setback from 7.2' to 5.99'; and to reduce the rear yard open space from 243.36 square feet to 0 square feet for a proposed three-story single-family home with a rear attached three-car garage with a roof deck.

**ACTION OF BOARD**

**THE VOTE**

The application for a variation on 1702 N. Burling Street is approved.

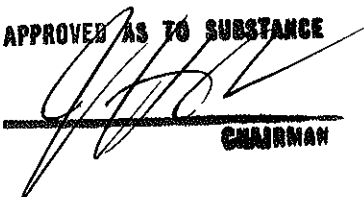
	AFFIRMATIVE	NEGATIVE	ABSENT
Jonathan Swain, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sol Flores	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sheila O'Grady	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The application for a variation on 1722 N. Burling Street is approved.

	AFFIRMATIVE	NEGATIVE	ABSENT
Jonathan Swain, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sol Flores	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sheila O'Grady	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**THE RESOLUTION OF THE BOARD**

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**



WHEREAS, public hearings were held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on May 15, 2015, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance ("Zoning Ordinance") and by publication in the *Chicago Sun-Times*; and

WHEREAS, Mr. Nick Ftikas, counsel for the Applicant, summarized the facts of the history of the affected property and explained the underlying basis for the relief sought; that the Applicant owned both 1702 N. Burling and 1722 N. Burling; that both 1702 N. Burling and 1722 N. Burling were currently improved with three-story, single-family homes; that the Applicant proposed to raze the existing structures and to develop each property with a new three-story, single-family home; that the issue is that although each lot is thirty-six feet (36') wide, each lot is only 104' deep; that therefore both lots are "short lots"; that the Applicant has made changes to the plan for 1702 N. Burling; that the Applicant has reduced the length of the proposed home by about two (2) feet which allows the Applicant to provide two (2) additional feet of front setback; that the Applicant has also removed a fifty-five (55) square foot building section from the rear of the proposed home's second floor as a way to try and alleviate some of the massing on the site; that the Applicant has dedicated a space for a tree to be planted at the front of the property; that this tree came as a suggestion from the community association; that these changes are shown on the plans submitted by the Applicant for 1702 N. Burling that are dated May 14, 2015; that said May 14, 2015 plans are the plans before the Board; that the Applicant has also made changes to the plans for 1722 N. Burling; that the Applicant has reduced the length of the home by about three inches (3") which allows the Applicant to provide an eight foot (8') two inch (2") front setback which exceeds the average front setback of both immediate neighbors; that the Applicant has again removed a fifty-five (55) square foot building section at the rear of the proposed home's second floor; that the Applicant has also scaled back the north building wall of the proposed home's garage; that this will reduce the relief requested on the north side setback of 1722 N. Burling from 2.88 feet to 1' 8"; that the Applicant will also dedicate a space for a tree to be planted at the front of the home; that these changes to the proposed home at 1722 N. Burling are reflected in the plans before the Board, dated May 14, 2015; and

WHEREAS, the Board inquired if under the revised May 14, 2015 plans, the Applicant was no longer requesting front setback relief for the subject property at 1702 N. Burling; and

WHEREAS, Mr. Ftikas confirmed that the Applicant was no longer requesting front setback relief for the subject property at 1702 N. Burling because the Applicant now meets the front setback requirement; and

WHEREAS, the Board inquired if under the revised May 14, 2015 plans, the Applicant was no longer requesting front setback relief for the subject property at 1722 N. Burling; and

WHEREAS, Mr. Ftikas confirmed that the Applicant was no longer requesting front setback relief for the subject property at 1722 N. Burling; and

WHEREAS, the Board inquired if the requests for rear setback reductions on both 1702 N. Burling and 1722 N. Burling were due to both properties' short lots; and

WHEREAS, Mr. Ftikas confirmed this was the case; and

WHEREAS, the Board then inquired if the requests for north side setback reductions on both 1702 N. Burling and 1722 N. Burling were also due to both properties being short lots; and

WHEREAS, Mr. Ftikas confirmed this was the case; that on 1722 N. Burling, the Applicant had revised its plans to have a 1' 8" north side setback; that neither 116-15-Z nor 117-15-Z were "breezeway" cases; that instead, these properties involved attached garages which, when one attaches a garage, it functions as a side setback; that therefore, the Applicant is actually providing a three foot (3') setback for the length of both homes on the north sides of the properties; that on the south side of both lots, the Applicant is providing a four foot four inch (4' 4") setback; that due to the shortening of the rear yard setback, the corresponding side setbacks elongate; that therefore, although the side setback reductions, if approved, are for the entire length of the lots, the setback reductions only affect the locations of the garages on each lot; and

WHEREAS, the Board then inquired if the requests to reduce the rear yard open space on both lots were also due to the fact that both lots were short lots; and

WHEREAS, Mr. Ftikas confirmed this was the case; that the Applicant would be locating rear yard open space on rooftop decks above the garages of both 1702 and 1722 N. Burling; that there would therefore be a 550 square foot open deck at the rear of the first floor and above the garage on 1722 N. Burling; that there would be approximately 580 square feet of open space at the rear of the first floor and above the garage on 1702 N. Burling; that the Applicant's hardship for both properties is that the each lot is only 104 feet deep; and

WHEREAS, Mr. Mike Barrett testified on behalf of the Applicant; that he is the Applicant's managing member; that the Applicant owns both 1702 and 1722 N. Burling Street; that each lots measures 36' wide x 104' deep; that although the lots are wide, both lots are twenty-one feet (21') shorter than a standard City lot; that although both properties are currently improved with single-family homes, the Applicant proposes to raze these structures and redevelop each property with a new single-family home; that each single-family home will be three (3) stories in height and be of brick and limestone construction; that each home will have an attached three-car garage at the rear of the lot; that the Applicant's hardship is that each lot is only 104' deep; that in order to comply with this Zoning Ordinance, the Applicant is seeking variations on 1702 N. Burling to reduce the north side setback from the required 2.88' to 0.33', to reduce the rear setback from the required 29.12' to 0', and to reduce the rear yard open space requirement from

243.36 square feet to 0'; that with respect to the request for side setback relief for 1702 N. Burling, the proposed design centers the new home on the lot; that there will be a four foot four inch (4' 4") south side setback which will be an improvement on the current south side condition; that there will be a full three foot (3') north side setback; that these side setbacks are provided for the full length of the home; that due to the location of the proposed garage's north wall, the need for north side setback relief is triggered; that because the north side setback is being reduced, the corresponding side setbacks are also being reduced; that the rear setback reduction request will allow the garage to be attached; that to minimize the rear setback reduction, the rear of the home at 1702 N. Burling will be tiered; that the proposed third floor will therefore be set back fifty-three feet (53') from the rear property line; that the proposed second floor will be set back twenty-six feet (26') from the rear property line; that the proposed first floor – separate from the proposed garage – will be set back twenty feet (20') from the rear property line; that the entire three (3) story building will not be protruding back to the rear of the property; and

WHEREAS, Mr. Barrett further testified that the Applicant has modified its plans by taking out a 9.5' x 6' building section at the rear of the proposed second floor for 1702 N. Burling; that this modification was done to try and reduce some of the massing on the site which both the immediate neighbors and the neighborhood association believed was a concern; that with the 9.5' x 6' building section taken out, the rear of the proposed home's second floor will be only about 3' beyond the required rear setback on the lot; that once again, the lot is a short lot; that the Applicant is also requesting to reduce the rear yard open space at 1702 N. Burling; that again, this request is a function of the short lot depth; that if 1702 N. Burling had an additional twenty-one feet (21') to work with, the Applicant could have easily met the rear yard open space requirement; that the Applicant is relocating the rear yard open space to a landscaped rooftop patio over the proposed garage at 1702 N. Burling; that the landscaped rooftop patio will contain 580 square feet of total usable space and has been designed as an extension of the proposed home's main family room; that in addition to the proposed patio, the Applicant is providing an open deck at the rear of the proposed home's third floor; that on 1702 N. Burling, the hardship is the short lot depth of 104'; that the Applicant would have been able to come up with a different plan if the Applicant had another twenty-one feet (21') to work with; that the Applicant believes it will be able to sell the proposed home at 1702 N. Burling; and

WHEREAS, Mr. Barrett then testified as to the proposed home at 1722 N. Burling, the plans are quite similar to the plans for the proposed home at 1702 N. Burling; that specifically on 1722 N. Burling, the Applicant is seeking variations to reduce the north side setback from the required 2.88 feet to 1' 8", to reduce the combined side setback from the required 7.2 feet to 5.99 feet, to reduce the rear setback from the required 29.12 feet to zero feet, and to reduce the rear yard open space from the required 243.36 square feet to zero; that the Applicant will be providing a 4' 4" south side setback and a full 3' north side setback at 1722 N. Burling; that these setbacks will run the length of the proposed home; that the request for north side setback relief is required to permit the proposed attached garage; that it is the proposed north building wall of the garage that

triggers the request for north side setback relief; that if the garage were detached, there would be no need for side setback relief; that because of the reduction to the north side setback, the corresponding combined side setback is also being reduced; that the request for the rear setback relief allows the Applicant to permit the attached garage; that like the proposed home at 1702 N. Burling, the Applicant is tiering the rear of the proposed home at 1722 N. Burling; that the rear of the proposed third floor will be set back fifty-three feet (53') from the rear property line; that the rear of the proposed second floor will be set back twenty-six feet eight inches (26' 8"); that the rear of the proposed home's first floor – separate from the garage – will be set back twenty feet eight inches (20' 8") from the rear property line; that the proposed attached garage will extend to the rear of the lot; that similar to 1702 N. Burling, the rear of the proposed home's second floor is about three feet (3') beyond what the required rear setback would be; that in addition, the Applicant is seeking to reduce the rear yard open space at 1722 N. Burling; that again, this setback relief is required due to the short lot; that although the Applicant will not be providing rear yard open space at grade, it will provide 550 square feet of landscaped rooftop patio deck above the garage; that also similar to 1702 N. Burling, the Applicant will provide a rear open deck for the proposed home's third floor at 1722 N. Burling; and

WHEREAS, Mr. Ftikas stated that record should be clear that the hardship is the 104' lot depth; and

WHEREAS, Mr. Frank Levato testified on behalf of the Applicant; that he is the project architect on both 1702 and 1722 N. Burling; that he is familiar with both properties; that each lot measures 36' wide x 104' deep; that he designed the plans dated May 14, 2015 for both properties; that the hardship with respect to both properties is the 104' lot depth; that if the variations before the Board are granted, his design will be able to overcome these practical hardships; that granting these variations will not be detrimental to the public welfare or injurious to other property or improvements in the area; that these variations will not affect the light and air of adjacent properties; that these variations will not increase the danger of fire or endanger public safety; that these variations will not substantially increase congestion in the public streets in the area; that these variations will not substantially diminish or impair property values in the area; that granting these variations will not alter the essential character of the locality; and

WHEREAS, Mr. Terrence O'Brien testified on behalf of the Applicant; that his credentials as an expert in appraisal were acknowledged by the Board; that he has physically inspected both properties and their surrounding area; that his findings are contained in his reports on both properties; his reports were submitted and accepted by the Board; that he was retained by the Applicant to determine generally whether the proposed projects on both properties will be compatible with the other improvements in the immediate area; that he was also retained by the Applicant to analyze whether the proposed projects on both properties would have a negative impact on surrounding property values; that the subject property is primarily residential in nature consisting of two-and-three story buildings; that these buildings' ages vary from relatively new to well in excess of 100 years; that the condition of these structures is very good; that there are many similar or comparable developments in the immediate area to the proposed

developments at 1702 and 1722 N. Burling; there are many structures in the area that do not meet the front yard, side yard, rear yard, open yard and other setbacks; that in the 1600 to 1700 block of North Burling, there are seventeen (17) existing structures that do not meet the front yard setback requirements, eight (8) existing structures that do not meet the side yard setback requirements, and thirteen (13) existing structures that do not meet the rear yard setback requirements; that there are at least twelve (12) other structures in subject area that do not meet the requirements set forth for rear yard open space; that the Applicant's proposed homes are most definitely compatible with the other existing improvements; that the Applicant's proposed developments of 1702 and 1722 N. Burling are the highest and best use of the properties; and

WHEREAS, Mr. O'Brien further testified that the Applicant's proposed developments are harmonious and compatible with other land uses in the area because there are numerous structures in the area that are similar; that taken together, the requested variations on both properties are intended to make the proposed homes' floor plans and living spaces more functional; that these variations allow the Applicant to overcome the hardship of the 104' lot depth; that it is important to note that the requested reduction of the north side yard setback for both properties pertains really only to the garages and not to the residential structures; that the proposed variations will not diminish or impair property values and will instead provide benefits; that the area is relatively congested and due to the north side yard setback reduction on both properties, the Applicant will be able to locate a three (3) car garage on both properties which would help free up parking space on the street; that the variations will not alter the essential character of the neighborhood and will instead compliment the character of the subject area; that the requested variations fulfill the requirement of what is the highest and best use of the property; and

WHEREAS, Ms. Tracy Miller, of 1700 N. Burling, testified in objection to the applications; that she purchased her home a year ago and did so partly because of the setbacks on this portion of Burling Street; that her main objection is the lack of green space at both 1702 and 1722 N. Burling; that by "green space" she does not mean a deck but some type of a yard; that she is also does not understand the hardship argument as most of the lots on this part of Burling are the same size; that the Applicant is building on lots that are twenty-five to thirty percent (25-30%) wider than most other lots on the block; that therefore she does not understand the Applicant's hardship other than the Applicant wishes to build a larger house on both of the lots; that her home is 3600 square feet; that the Applicant is proposing to build homes that are 7000 square feet; that this is just a misuse of space; that the Applicants have cut down all the trees on the 1702 N. Burling lot, including two trees that were at least 100 years old; that one of these trees primarily shaded her property; that most of the tree was actually on her lot so far as the coverage of the tree; that she is concerned about flooding due to removing all the green space; that flooding on the block has been an issue; that as a neighborhood, the neighborhood has to look at new developments such as these that do not have green space and are instead built with no setback and are primarily concrete; that she paid a very good price for her home that she feels is now completely altered as the proposed variations will lower property values; and

WHEREAS, Ms. Anne Moore, of 1809 N. Cleveland, testified in objection to the applications; that she is the chairperson of the Lincoln Central Association Planning and Zoning Committee ("Committee"); that neighbors alerted the Committee about the proposed variations; that the neighbors are quite alarmed by light and air, lack of true green space, and the width of the lots; that the Committee understands it is a short lot but almost the entire block has rear yard open space with trees; that the Committee promotes rear yard open space with trees because it makes homes desirable; that she then gave the Board both a letter and a copy of the plat of the neighborhood; and

WHEREAS, Mr. Roger Ray, of 1703 N. Burling, testified in objection to the applications; that he objects to the lack of green space and lack of permeable space; that this is a neighborhood that has had problems with flooding as the storm drain regularly overflows in front of 1702 and 1700 N. Burling; that with respect to hardship, both of the properties are 36' wide and therefore the actual area of the lot is bigger than the standard city lot; that although the Applicant mentioned that it would provide open space at the back of the proposed buildings, open space is not the same as permeable space; that he has had flooding in his basement; that others in the neighborhood have had flooding in their basements; and

WHEREAS, Alderman Bob Fioretti testified in objection to the applications; that he supported the neighbors and agreed with all of their arguments; that the only hardship is to increase the square footage on a tree lined block; that this is not acceptable to the area; that flooding is an issue; that the proposed homes do not fit this block and will destroy compatibility and uniformity; that by destroying compatibility and uniformity, property values will be lowered; and

WHEREAS, Alderman Michelle Smith testified in objection to the applications; that if the applications were rejected the neighbors would continue working with the Applicant to come up with a compromise that would not allow a solid block of home to be built on each lot but instead would result in homes that would be more compatible with the neighborhood; that if the variations were allowed, the rest of the street would be disadvantaged because certain of the qualities that the homes enjoy today would no longer be; that the hardship in this particular case is actually on the neighborhood; and

WHEREAS, the Board requested that Mr. Ftikas address the concerns of the Objectors; and

WHEREAS, Mr. Ftikas stated that the hardship for both properties was the 104' lot depth; that if the lots were 125' deep, the Applicant would not be before the Board; that this Zoning Ordinance requires a front yard, a home, a backyard, and a garage; that this is not possible with a 104' lot depth; that the underlying zoning district is RM-4.5; that therefore, he disagrees with the Objectors that the Applicant is overbuilding; that the Applicant is within the allowance of this Zoning Ordinance; that the Applicant is not building lot line to lot line; that the Applicant has an eight foot (8') and ten foot (10') front setback on the two lots; that the Applicant also has a three feet (3') of side setbacks

for the length of the proposed homes on the north side setbacks and compliant south side setbacks; that the Applicant is not maximizing the proposed homes; that the Applicant is not trying to make the proposed homes bigger than permitted under this Zoning Ordinance; that the proposed variations are to attach the proposed garages to the proposed homes; that Section 17-2-0307-A-3 of this Zoning Ordinance read as follows: “when located at ground level, the open space area must be substantially covered with grass, ground cover, shrubs, plants, trees or usable outdoor open space features, such as walkways or patios”; that this is important because the Objectors’ presumption is that there is either a big, bulky massive building or a manicured lawn; that this is an incorrect presumption because, under this Zoning Ordinance, rear yard open space does not need to be landscaped or manicured green space; that if the Applicant were forced to put a five foot (5’) distance between the proposed home and the proposed garage on both lots, the Applicant would be forced to place a patio in the rear open space for both lots; that the rear yard open space for both lots would be either concrete or a paver; that the Applicant would not be able to get grass or a lush garden to grow between an eleven or twelve foot (11’-12’) garage and a two to three (2-3) story home; that this Zoning Ordinance contemplates this; that this Zoning Ordinance states that if the rear yard open space can be grass it should be grass but it can also be an open patio feature such as a walkway; that the choice is therefore not between a massive building and green space but instead a function of how the home can be used; and

WHEREAS, the Board inquired if Mr. Ftikas was saying that, aside from the garage, the proposed homes could be built as of right; and

WHEREAS, Mr. Ftikas stated that the Applicant would be before the Board seeking a rear setback reduction in almost any scenario due to the short lot depth of 104’ on both lots; that the front setbacks on both lots are the average of both immediate neighbors; that the south side setbacks on both lots are complaint and exceed what is required for the proposed buildings; that the square footage of both proposed homes are within the Floor Area Ratio (FAR) for a RM-4.5 zoning district; that the height of both proposed homes are also within the FAR for a RM-4.5 zoning district; that the Applicant would be before the Board asking for rear setback relief for an attached garage or any other typical configuration of a home because of the 104’ lot; and

WHEREAS, Mr. Levato further testified that the front setbacks of both lots comply with the average of the two adjacent neighbors and therefore are permitted as of right under this Zoning Ordinance; that with respect to the rear yard, the required rear yard setback is 29.1’; that on both lots, the Applicant’s proposed plans are at 20.8’ on both lots; that therefore, the Applicant is not permitted to build; that if the Applicant had to comply with this Zoning Ordinance, the Applicant would have a seven-and-half foot (7.5’) space between the proposed home and the proposed garage; that the Applicant has about 750 square feet of permeable area for both lots; that the Applicant will landscape the front yards of both lots, use pavers on the south side setback of both lots, and landscape the north side setbacks so that water will permeate through and be diverted into the sewer system; and

WHEREAS, the Board inquired if it understood Mr. Levato correctly; that the Applicant would landscape both lots so that the landscaping would be permeable and resolve flooding issues; and

WHEREAS, Mr. Levato further testified that this was correct; that any of the rainwater from the roof or any of the surfaces of the proposed homes will be diverted into the sewer so that none of the water will be released out onto the lots to flood; and

WHEREAS, the Board inquired that if all the lots on the block were the same depth, then how is the parcel distinguishable from other parcels in the area; that this might undermine the Applicant's argument as to hardship; and

WHEREAS, Mr. Ftikas disagreed with this analysis; that the Applicant believed every parcel of land was unique; that this is a general maxim of property law; that the Applicant agreed that the general character of the lots are shorter but not standard-depth City lots; that the application of this Zoning Ordinance is for 25' x 125' lots; that both of the lots are admittedly wider; that the Applicant does not believe it is taking advantage of the lots' wider widths; that the requested variations are to make the Applicant's proposed plan of development for both lots work with the lots' 104' lot depth; that if the Applicant had an additional twenty-one feet (21') of lot depth on both lots, the proposed plans would have changed; and

WHEREAS, Section 17-13-110-A of the Chicago Zoning Ordinance grants the Zoning Board of Appeals authority to grant a variation for any matter expressly authorized as an administrative adjustment in Section 17-13-1001; and

WHEREAS, Section 17-13-1003-J of the Chicago Zoning Ordinance grants the Zoning Administrator authority to grant an administrative adjustment to permit required open space to be located on a deck or patio located more than four (4) feet above ground;

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

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

1. The Board finds that pursuant to 17-13-1107-A the Applicant has proved its case by testimony and other evidence that the short lot depth of both 1702 N. Burling and 1722 N. Burling creates practical difficulties and particular hardships regarding the proposed use of the both properties should the requirements of the Zoning Ordinance be



strictly complied with, and, further, the requested variations regarding are consistent with the stated purpose and intent of this Zoning Ordinance;

2. The Board finds that pursuant to 17-13-1107-B that the Applicant has proved by testimony and other evidence that: (1) the properties in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance due to both properties' short lot depth; (2) the practical difficulty or particular hardship of the properties is due to the short lot depths of both lots which is not generally applicable to other similarly situated property; and (3) the variations, if granted, will not alter the essential character of the neighborhood as evidenced by Mr. O'Brien's very credible expert testimony;

3. The Board, in making its determination pursuant to 17-13-1107-C that a practical difficulty or particular hardship exists, took into account that evidence was presented that: (1) the 104' short lots depths of both lots result in particular hardship upon the Applicant if the strict letter of the Zoning Ordinance were carried out; (2) the short lot depths of both lots are conditions not generally applicable to other property in a RM-4.5 zoning district; (3) profit is not the sole motive for the applications as the Applicant is well within its FAR for the zoning district and is not massing the proposed homes on the lots; (4) the Applicant did not create the hardship in question as it did not create the 104' lot depth on either lot; (5) the variations being granted will not be detrimental to the public welfare or injurious to other property; and (6) the variations will not impair an adequate supply of light or air to the neighboring properties, 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.

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

RESOLVED, the aforesaid variation applications are hereby approved, and the Zoning Administrator is authorized to permit said variations for both 1702 N. Burling and 1722 N. Burling.

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

**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

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



JUN 25 2015  
CITY OF CHICAGO

**2931-57 North Harlem, LLC**  
APPLICANT

**131-15-Z & 132-15-Z**  
CALENDAR NUMBERS

**2943-57 North Harlem Avenue**  
PREMISES AFFECTED

**May 15, 2015**  
HEARING DATE

**Mark J. Kupiec**  
APPEARANCE FOR APPLICANT

**George Blakemore**  
OBJECTOR

**NATURE OF REQUESTS**

Application for a variation to reduce the rear setback from 30' to 13.67' for a proposed two story addition to an existing two-story building to allow for the conversion of the building to accommodate 56 units with 56 indoor parking spaces located on the ground floor.

Application for a variation to eliminate the one 10' x 25' x 14' off-street loading space for a proposed two-story addition to an existing two-story building to allow for the conversion of the building to accommodate 56 units with 56 indoor parking spaces located on the ground floor; a 10' x 25' internal loading space will be provided but without the 14' height clearance.

**ACTION OF BOARD**

**THE VOTE**

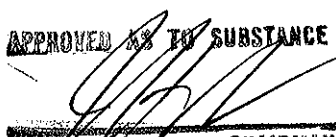
The application for a variation is approved subject to the condition specified in this decision.

	AFFIRMATIVE	NEGATIVE	ABSENT
Jonathan Swain, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sol Flores	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sheila O'Grady	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**THE RESOLUTION OF THE BOARD**

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on May 15, 2015, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance ("Zoning Ordinance") and by publication in the *Chicago Sun-Times*; and

WHEREAS, Mr. Mark J. Kupiec, counsel for the Applicant, summarized the facts of the history of the affected property and explained the underlying basis for the relief sought; that the project was originally before the City Council of the City of Chicago

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

("City Council"); that City Council had rezoned the property as a Type One Zoning Amendment; that said Type One Zoning Amendment had been done with the same plans attached as the plans now being presented before the Board; and

WHEREAS, Mr. Sam Zitella testified on behalf of the Applicant; that he is a managing member of the Applicant which owns the subject property; that he has been in the real estate development business for over twenty-five (25) years and has built similar properties in the City of Chicago ("City"); that City Council has rezoned the subject property for this project; that nevertheless, the Applicant still needs the requested variations; that the subject property is currently improved with a building; that the building previously contained a bowling alley, a bar and a banquet hall; that the capacity of said banquet hall is 400 people; that the Applicant intends to retain the existing parking structure and build residential units above as an upper-floor addition; that the Applicant is planning to build 56 residential units; that the estimated costs for the project are about \$10 million; that the residential units will be rental; that he has done other residential rental projects in the area and expects a nine to ten percent (9-10%) rate of return on the subject property; that the Applicant will retain ownership of the subject property and rent the 56 units itself; that due to the zoning change approved by City Council, the Applicant is subject to the City's affordable housing requirements ordinance ("ARO"); that under the ARO, the Applicant must make ten percent (10%) of the units affordable; that in terms of the proposed project, the Applicant will provide six (6) ARO units; that the City sets the rent on these ARO units which is a further impact into the Applicant's profit margin; that the Applicant decided to re-use the existing parking structure; that there are many advantages to re-using the existing parking structure, such as speeding up construction and cutting down on demolition; that the disadvantage of re-using the existing parking structure means that the Applicant does not have sufficient height clearance in the parking structure for a 10' x 25' x 14' loading space; that the Applicant does have a 10' x 25' loading space but this does not qualify as a loading space under this Zoning Ordinance; that this 10' x 25' loading space will be available for tenants for move-in; and

WHEREAS, Mr. Rick Vasquez testified on behalf of the Applicant; that he is the Applicant's architect for the proposed project; that the Applicant is proposing to rehabilitate and add a new three-story addition to an existing two-story bowling alley structure; that the proposed project will have 56 residential units and no commercial units; that the existing building is approximately 297 feet in length and 125 feet in width; that the Applicant is proposing to utilize as much of the existing concrete structure as possible, including the existing structural common grid to avoid construction waste and demolition; that this will decrease construction cost and utilize the footprint of the existing building; that the building will be served by two (2) interior egress stairs with two (2) residential elevators that will service floors one through four; that all residential parking will be located on the interior of the first floor; that the parking will utilize the existing interior parking structure; that 56 residential parking spaces will be provided along with a 10' x 25' receiving area; that all residential units will be comprised of one, two, and three bedroom units; that the building's exterior design will be traditional with modular brick, limestone cornices and accentuated limestone bands; that the building will

be centralized along North Harlem; that the north, south, and east elevations will utilize modular brick with no concrete block; and

WHEREAS, in response to questions by the Board, Mr. Vasquez further testified that the request for the reduction in the rear setback was so that the Applicant could provide a small setback from the residential from the alley; that the Applicant wished to provide this as part of the Applicant's respite because on the upper floors of the proposed project there are exterior balconies; that the Applicant needs the variation to reduce the loading space because the Applicant cannot comply with the height requirement for the loading space; that this is because the existing parking structure is only nine feet (9') in height; and

WHEREAS, in response to further questions by the Board, Mr. Zitella stated that residential move-ins would be utilizing the loading space; that smaller residential moving trucks could utilize the loading space but not bigger residential moving trucks; that the Applicant will mandate that all the move-ins use smaller trucks; and

WHEREAS, the Board inquired if the Applicant would have a problem if the Board imposed a condition that all move-ins have to use smaller trucks; and

WHEREAS, Mr. Zitella inquired as to the definition of a smaller truck; and

WHEREAS, the Board stated that the definition of a smaller truck is one that fits the Applicant's existing loading space; that the Board understood that the Applicant cannot comply with the fourteen feet (14') height requirement as the Applicant would be reusing the existing parking structure; that nevertheless, the Board wanted to try and mitigate the impact that will occur on the street due to residents moving in and out of the building, especially as the residential units in the building will be rental units; and

WHEREAS, Mr. Zitella testified that certain pictures accurately represented the present condition of Wellington Avenue at the subject property; that these pictures were entered into the record as Applicant's Exhibits 1 and 2; that Mr. Zitella then testified that he had experience with large buildings in the area; that not all of the Applicant's buildings have loading spaces or loading areas; that this has not been a problem with respect to the other buildings; that the existing building on the subject property is a corner building; that there is not only potential parking on Harlem Avenue but also Wellington Avenue for a large moving truck; that the Applicant could require that move-in must be done at off-hours so that there would be space on the streets for a large moving truck if such a thing is necessary; and

WHEREAS, the Board stated upon reviewing the pictures of Wellington Avenue it still had concerns; that the proposed project will have 56 residential rental units; that there will be at least 56 people moving in; that from time to time, people will rotate through; that the Board then inquired if it would be possible for the Applicant to get a commercial loading zone on Wellington Avenue; and

WHEREAS, Mr. Kupiec stated the Applicant would explore that possibility; that Mr. Zitella has built a large number of buildings such as the proposed project; that Mr. Zitella will retain ownership of the building as he manages his own buildings; that he therefore has great experience dealing with this use; that smaller trucks will not be a problem; that with larger trucks, the Applicant could schedule move-in on a weekday or during hours where the street would be available; and

WHEREAS, the Board stated that the Board may need to put a condition on the variation that move-ins have to be scheduled during certain particular business hours; that rather than place limit the size of the truck, the Board might instead limit on when move-ins can occur; and

WHEREAS, Mr. Kupiec stated such a condition would be fine; that the Applicant would be happy to apply for a commercial loading zone; and

WHEREAS, the Board stated it would not make a commercial loading zone a condition as obtaining a commercial loading zone is outside of the Applicant's control; that the Applicant is able to limit deliveries on certain days at certain times; and

WHEREAS, Mr. Kupiec stated this made sense; and

WHEREAS, Mr. Blakemore testified in objection to the application; that he believed there should be a stipulation of penalty if the Applicant did not comply with the Board's condition regarding move-ins; that the Applicant would be using the public way to the possible detriment of residents in the neighborhood; that he wished to know the rents of the ARO units; and

WHEREAS, Mr. Zitella testified that if the Applicant's use of the public way became an issue, the Applicant would receive a zoning violation; that the rent for the ARO units is set by the City and should be about \$900; and

WHEREAS, Mr. Kupiec stated that the Applicant is actually providing the ARO units rather than paying the in lieu fee; and

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

WHEREAS, 17-13-1101-D of the Chicago Zoning Ordinance grants the Zoning Board of Appeals authority to grant a variation to permit the reduction of applicable off-street loading requirements by not more than one space; now, therefore,

THE ZONING BOARD OF APPEALS having fully heard the testimony and arguments of the parties and as the decision of the Zoning Board of Appeals to approve a variation application must be based solely on the approval criteria enumerated in Section 17-13-1107-A, B and C of the Chicago Zoning Ordinance, and the Board being fully

advised, hereby makes the following findings with reference to the Applicant's application for variations:

1. The Board finds that pursuant to 17-13-1107-A the Applicant has proved its case by testimony and other evidence that a practical difficulty and particular hardship exists regarding the proposed use of the subject property should the requirements of the Zoning Ordinance be strictly complied with, and, further, the requested variations regarding reducing the rear setback and reducing the required off-street loading by one space is consistent with the stated purpose and intent of the Zoning Ordinance;
2. The Board finds that pursuant to 17-13-1107-B that the Applicant has proved by testimony and other evidence that: (1) whether the property can yield a reasonable return is not material as the Applicant intends to continue to own the subject property; (2) the practical difficulty or particular hardship of the property is due to the Applicant's desire to reuse the existing building on the subject property; and (3) the variation, if granted, will not alter the essential character of the neighborhood as the Applicant will be reusing the existing building on the subject property;
3. The Board, in making its determination pursuant to 17-13-1107-C that a practical difficulty or particular hardship exists, took into account that evidence was presented that: (1) the existing building, particularly the height of the existing parking structure, results in particular hardship upon the Applicant if the strict letter of the Zoning Ordinance were carried out; (2) the existing building on the subject property is a condition not generally applicable to other property in a B2-5 zoning district; (3) as the Applicant will continue to own the subject property, profit is not a motive for the application; (4) the Applicant did not create the hardship in question as it did not create the existing building; (5) the variations being granted will not be detrimental to the public welfare or injurious to other property; and (6) the variations will not impair an adequate supply of light or air to the neighboring properties, or substantially increase the congestion in the public streets due to the condition imposed by the Board, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

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

RESOLVED, the aforesaid variation applications are hereby approved, and the Zoning Administrator is authorized to permit said variations subject to the following condition, pursuant to the authority granted by Section 17-13-1105 of the Chicago Zoning Ordinance:

1. The Applicant shall only allow move-ins Monday through Friday during normal business hours.

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

**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

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



JUL 23 2015  
CITY OF CHICAGO

**Villa Celeste, LLC**  
APPLICANT

**72-15-S & 73-15-S**  
CALENDAR NUMBERS

**67 E. Cedar**  
PREMISES AFFECTED

**May 15, 2015**  
HEARING DATE

**Meg George, Langdon Neil, & Lenny Asaro**  
APPEARANCE FOR APPLICANT

**Thomas Moore & John Pikarski**  
APPEARANCE FOR OBJECTORS

**NATURE OF REQUESTS**

**67 E. Cedar, Lower Level & First Floor:** Application for a special use to establish one vacation rental unit in the duplex down (lower level and first floor) unit of the existing three-story two-unit building.

**67 E. Cedar, Second and Third Floor:** Application for a special use to establish one vacation rental unit in the duplex up (second and third floor) unit of the existing three-story two-unit building.

**ACTION OF BOARD**

**THE VOTE**

The application for the special use for the lower level and first floor of 67 E. Cedar is denied. The application for the special use for the second and third floor of 67 E. Cedar is also denied.

	AFFIRMATIVE	NEGATIVE	ABSENT
Jonathan Swain, Chair	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sol Flores	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sheila O'Grady	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**THE RESOLUTION OF THE BOARD**

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on May 15, 2015, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance ("Zoning Ordinance") and by publication in the *Chicago Sun-Times*; and

WHEREAS, Ms. Meg George, co-counsel for the Applicant, explained the underlying basis for the relief sought; that the Applicant proposes to establish two vacation rental



units within an existing three-story brownstone with a garden level; that the subject property is zoned DR-3 which permits vacation rental units as a special use; and

WHEREAS, Mr. Michael Horrell testified on behalf of the Applicant; that he is the co-managing member of the Applicant; that the Applicant is a nightly rental hospitality business; that the Applicant acquired the subject property in September 2014 and uses the home on the subject property to offer two vacation rental unit with the second and third floor as one unit and the garden level and first floor as another unit; that the Applicant will also offer the entire home as a vacation rental unit; that the home on the subject property has five bedrooms, a two-car garage and significant landscaping; that Mr. Horrell then identified several photographs of the home for the Board; that the Applicant made significant changes to the home with respect to renovation of the interior without any kind of real alteration; that the Applicant also put in approximately \$150,000 worth of furniture into the home; that the Applicant employs maintenance providers to maintain the property, such as landscapers and snow removers; that the Applicant stocks the home with everything a family could want for a nightly rental home; that the Applicant advertises its business through the Vacation Rental by Owner search engine and on its own website; that the Applicant provides background searches on its guests via telephone interviews with potential guests and also via Google; that he personally meets guests of the subject property at check-in; that the Applicant's typical guests are sixty-two (62) years old and without children; that the Applicant keeps records of everyone that stays at the subject property along with the ages of those guests; that the average number of guests per unit is 1.87 guests per night; and

WHEREAS, the Board asked Mr. Horrell to clarify over what period of time this average is based; and

WHEREAS, Mr. Horrell testified that the period of time used is since the opening of the Applicant's business at the subject property; and

WHEREAS, Ms. George clarified that the Applicant opened its business at the subject property in November 2014; and

WHEREAS, the Board inquired as to why the Applicant had been in operation at the subject property since November 2014 when it was only now appearing before the Board to obtain its special use to operate; and

WHEREAS, Ms. George stated she would address that later; and

WHEREAS, Mr. Horrell then testified that the Applicant turns down guests based on any kind of information or belief that the guests are not going to be compatible with the home and the value the Applicant has in the home; that the Applicant meets with every guest at both check-in and check-out; that the Applicant provides guests with a copy of the rules and regulations of the home; that there is a binder on the property and the Applicant makes sure the guests sign said binder online; that the binder includes the rules

and regulations given to each guest; that the Applicant then tendered a copy of said binder to the Board as Applicant's Exhibit 1; and

WHEREAS, the Board inquired as to how many bedrooms were in each unit; and

WHEREAS, Mr. Horrell testified there were five (5) bedrooms in the home; and

WHEREAS, the Board again inquired as to how many bedrooms were in each unit; and

WHEREAS, Mr. Horrell testified that there were two (2) bedrooms in the lower unit and three (3) bedrooms in the upper unit; and

WHEREAS, the Board inquired as to the average rent per night; and

WHEREAS, Mr. Horrell testified that it is either \$499 for the lower level unit or \$599 for the upper unit; that the Applicant was currently reviewing these numbers as to whether or not the Applicant would increase these amounts; and

WHEREAS, Mr. Horrell then testified that the typical duration of stay for the Applicant's guests was three to four (3-4) days; that the home has a two-car garage and there is also overnight parking down the street; that the home is monitored 24/7 by video; that if there are any issues, affected parties can contact either himself, Goriana Alexander, or one of their assistants; and

WHEREAS, the Board inquired into the video system; and

WHEREAS, Mr. Horrell testified that the video system is outside and monitors everything that occurs in the front and the back of the home; that the Applicant can access the video system via phone, iPad, or computer; and

WHEREAS, Mr. Horrell then testified that he currently lives at 111 W. Wacker; that once the Applicant opens 68 E. Cedar, he will be living there; that the Applicant has purchased 68 E. Cedar which is directly across the street from the subject property; that currently he can be at the subject property within minutes; that when he lives at 68 E. Cedar he can be at the subject property within seconds; that his contact information would be posted at the subject property for affected parties to see; that the Applicant holds the appropriate insurance for this type of use; that the Applicant would be in compliance with all City of Chicago ("City") occupancy standards; that he has operated other rental properties across the country; that he has never had any violations or revocations of licenses at those properties; that he was not aware when the Applicant purchased the property in September 2014 that a special use was required for vacation rental use of the property; that he subsequently became aware the Applicant needed a special use in late 2014; and

WHEREAS, the Board inquired as to how he became aware; and

WHEREAS, Mr. Horrell testified that he became aware when the Applicant tried to make a payment for the hotel tax; and

WHEREAS, Mr. Horrell then testified that the Applicant applied for a special use in February 2015; that he believed the subject property had been on the market for four (4) years before the Applicant purchased it; that he believed this was due to the fact the home had two gourmet kitchens which was difficult for people to figure out what to do with the property at the price it was on the market for; that he was aware of other vacation rentals on the block at the time the Applicant acquired the property; that he assumed he would be able to operate vacation rentals at the subject property based on the proximity of the existing vacation rentals; that he intended to obtain the required licenses to operate the subject property as a vacation rental unit; that he intends to pay approximately \$60,000 in taxes on the subject property; that since operating, the Applicant has not received any noise violations; that he has not personally received any neighborhood complaints; that he met with representatives with the Gold Coast Neighbors Association ("Association") and agreed to enter a plan of operations that would be on file with the Applicant's license; that said plan of operations was then entered into the record as Applicant's Exhibit 2; that he had letters of support from adjacent neighbors; that these letters were then entered into the record as Applicant's Exhibit 3; and

WHEREAS, in response to questions by the Board, Mr. Horrell further testified that he has been in the real estate business for eighteen (18) years; that he has bought and rented houses, built hundreds of homes, built several medical office buildings, and has been in real estate all his life; that this is his first foray into the hospitality business but from a rental standpoint, he has been in the rental business all his life; that he did not know that the Applicant needed a license to operate a vacation rental at the subject property; that he discovered a license was needed to operate in November 2014 when he tried to pay the hospitality tax on behalf of the Applicant; that he did not understand why the Applicant needed Board approval for said license because there are currently two (2) licensed facilities on Cedar Street; and

WHEREAS, the Board stated that those currently licensed facilities had Board approval; that the Board then stated it was having a disconnect between Mr. Horrell's background as an accomplished businessman in the real estate business and his pleading of ignorance relative to the question of obtaining a license to operate a vacation rental at this location; that the Board then inquired if Mr. Horrell knew he was illegally operating a vacation rental at the subject premises after November 2014 as from Mr. Horrell's testimony it sounded as if he had continued to operate the vacation rental at the subject location; and

WHEREAS, Mr. Horrell testified that his experience with his other properties in the City, all the City really wants is for one to move forwards towards compliance; that this is what the Applicant did as soon as it became aware of the needed Board approval; and

WHEREAS, the Board then inquired if the Applicant was paying residential property tax or commercial property tax on the subject property; and

WHEREAS, Mr. Horrell stated he did not know; and

WHEREAS, Ms. Elizabeth Sharp, additional counsel for the Applicant though not the counsel of record before the Board, stated that she would investigate and find out whether the Applicant was paying commercial or residential property taxes on the subject property; and

WHEREAS, Mr. Thomas S. Moore, counsel for the 20 East Cedar Condominium Association, was granted leave to cross-examine the witnesses; and

WHEREAS, Mr. Horrell further testified that he was a licensed real estate broker and has purchased property in the City; that the Applicant is made up of two members: himself and Goriana Alexander; that Ms. Alexander is also a licensed broker; that despite both he and Ms. Alexander being experienced in the real estate business, he had no idea that he needed a license to operate a vacation rental in the City; that he is currently operating the vacation rentals at the subject property without a license; that he is before the Board for a special use to legally operate said vacation rental; that the Applicant has guests coming to said vacation rentals this very night; that he is not sure if said guests are checking in this night; and

WHEREAS, the Board asked Mr. Horrell to clarify; and

WHEREAS, Mr. Horrell testified there are guests at the subject property this night; that he does not know if said guests are coming to the subject property this night; and

WHEREAS, Mr. Moore asked Mr. Horrell if Mr. Horrell was violating the law right at this minute; and

WHEREAS, Mr. Lenny Asaro, co-counsel for the Applicant, objected as Mr. Horrell's previous testimony had clearly established that the Applicant did not have a license; and

WHEREAS, Mr. Moore then asked Mr. Horrell if the Applicant had booked the subject property through October 2015; and

WHEREAS, Mr. Asaro objected as the line of questioning was completely irrelevant to the standards for a special use; and

WHEREAS, the Board overruled Mr. Asaro's objections as Mr. Moore's questions went to the issue of Mr. Horrell's credibility as a witness; and

WHEREAS, Mr. Horrell then testified that he was not aware that even if the Applicant received three (3) affirmative votes from the Board on its applications, the written decision of the Board would not be published for thirty to sixty (30-60) days; that he was aware the subject property would need an inspection; that the subject property has

not had a health or safety inspection; that therefore the City has not been on the subject property to determine if there are smoke detectors; that if the Board rules against the Applicant's application, the Applicant intends to work through the legal process to the best of its ability; that he cannot tell Mr. Moore what the Applicant will do if the Applicant is denied; that Mr. Horrell then testified as to what sort of background information the Applicant gathers on its guests; and

WHEREAS, Mr. Moore asked Mr. Horrell if Mr. Horrell was aware that Sections 17-13-0107-C and 17-13-0904 of this Zoning Ordinance required posted notice of the special use request on the subject property until the date of hearing; and

WHEREAS, Mr. Horrell testified that the Applicant did post notice of the special use request on the subject property but the Applicant had taken the signs down due to window cleaning; that he then testified the Applicant did not make any structural changes to the existing improvements on the subject property; that he would be aware if a guest brought twenty (20) people to the subject property at 2:00 AM because of the surveillance system at the subject property; that he does not watch the surveillance system; that the surveillance system is an app that provides him with notification if people go in and out of the subject property; and

WHEREAS, Mr. Asaro was given leave to re-direct Mr. Horrell; and

WHEREAS, Mr. Horrell further testified that once he discovered the requirement of the special use, the Applicant took all steps to gain compliance; that this was done at the Applicant's own initiative; and

WHEREAS, Mr. Sylvester J. Kerwin, Jr., testified on behalf of the Applicant; that his credentials as an expert in appraisal were acknowledged by the Board; that he has physically inspected the subject property and its surrounding area; that he then described the subject property and its surrounding area; that his findings are contained in his report on the subject property; his report was submitted and accepted by the Board; that he then orally testified that the proposed special use: (1) complies with all applicable standards of this Zoning Ordinance; (2) is in the interest of the public convenience as due to twelve (12) other vacation rentals in the neighborhood it appears that there is a market demand by travelers and visitors to the City for short term stay accommodations and will not have an adverse impact on the general welfare of the neighborhood as the existence of the other twelve (12) vacation rentals in the neighborhood have not revealed any measurable or adverse changes to the surrounding property in terms of prices or character; (3) is compatible with the character of the surrounding neighborhood in terms of site planning, building scale and project design as it will be located in an existing 125 year old building that is highly similar to other improvements located along the street; (4) is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation as a vacation rental use is reasonably compatible with other residential properties in the neighborhood, assuming that said vacation rental use is appropriately operated; and (5) will promote pedestrian safety and comfort; and

WHEREAS, in response to questions by the Board, Mr. Kerwin further testified that there would need to be over thirty to forty (30-40) vacation rental units in the area before a vacation rental use changed the character of the neighborhood; that this many vacation rental units may not even be possible because of the physical layout of the properties; that he always assumes that vacation rental uses will have competent management and follow the rules; that if vacation rental uses do not have competent management and do not follow the rules, this can adversely affect operation; that to his knowledge the existing vacation rental uses in the neighborhood have operated within the rules; that he cannot put a dollar amount on the how the quality of the operation of a vacation rental affects the surrounding property values; and

WHEREAS, Mr. Kerwin then testified that when he testified on behalf of other vacation rental applications before the Board, none of those other vacation rental had entered into a plan of operations tied to the vacation rental license; that this Applicant will have a plan of operations tied to the vacation rental license; that he has previously testified before the Board on behalf of the Applicant; that the Applicant also owned 739 S. Wells for which the Board had approved a special use application; and

WHEREAS, in response to further questions by the Board, Mr. Kerwin testified that he did not know if the other twelve (12) vacation rental properties in the area were paying commercial property taxes; that the neighborhood has both single-family owner occupied homes and rental units; that the subject property is located on a residential street in a residential neighborhood; that at the end of the block, there is a commercial district with shops, restaurants, and retail; that shops and restaurants have been trending in the neighborhood; and

WHEREAS, Mr. Moore was granted leave to cross-examine Mr. Kerwin; and

WHEREAS, Mr. Kerwin further testified that with respect to the vacation rental application for 739 S. Wells, South Wells at that location is a commercial street with storefronts on the ground floor and apartments above; that Cedar at this location is a residential street; that there are many owner-occupied homes on Cedar and some single-family row houses; that the neighborhood is an urban area and there will therefore be renters versus property owners; that the Applicant is a property owner; that the Applicant has just purchased the property across the street from the subject property; that the Applicant has a significant investment in the neighborhood; that he himself does not live in the neighborhood; that he has not interviewed any of the residents of the neighborhood although he does know people that live there; that he has spoken with these people; that there is other lodging a short walking distance from the subject property; that house rules and management of the subject property will ensure that a vacation rental unit will not have broken liquor bottles out front and blaring music from open windows; that the existing vacation rental units in the area show no diminution of surrounding property values; that there has been an appreciation over time; and

WHEREAS, Alderman Brendan Reilly testified in objection to both the applications; that he was the author of the Vacation Rental Ordinance; that he worked with the City's Department of Law for over two (2) years to protect downtown homeowners' investment in their residences; that the purpose of the ordinance is to protect the quality of life and character of residential neighborhoods; that although he always looks to promote growth of the downtown business community, the Applicant's application would have and has had a serious negative impact on the local residential neighborhood; that not only the residents of Cedar Street but also the broader Gold Coast neighborhood objects to the application; that he is concerned to hear that the Applicant is illegally operating without any of the required City approvals and has been doing so for months after it was made aware of its failure to comply with City codes; and

WHEREAS, in response to questions by the Board, Alderman Reilly further testified that he has received complaints regarding the subject property during the period of time the Applicant has been in operation; that said complaints related to people taking up the pedestrian width of the sidewalk, noise, large groups of people ingressing and egressing to and from the subject property; that in recent years, there have been more owner-occupied and permanent residents in the area than in years prior; that many of the disruptive uses in the neighborhood are being replaced with more passive, retail uses; that therefore, the neighborhood is becoming more of a family neighborhood although it was always a family neighborhood; and

WHEREAS, Alderman Michele Smith testified in objection to both the applications; that she was in attendance at the request of the Association to support Alderman Reilly; that the six (6) vacation rental units on the block seems like an awful lot as there are only eighteen (18) houses on the block; that she supports the rights of small, downtown residential areas to keep their integrity as residential areas; that one of her first tasks as Alderman was to shut down an illegal hotel that had been operating as a bed-and-breakfast; that she understands how hard it is to shut down such operations due to the legitimate difficulties in terms of inspection, licensing, and court; that therefore she strongly supports Alderman Reilly and the Association in their objections to the application; and

WHEREAS, Mr. Tom Moore began his case-in-chief; and

WHEREAS, Mr. John Furr, of 50 E. Cedar, testified in objection to both the applications; that currently the neighborhood is mostly owner-occupied or longer term renters; that the short-term rental nature of 55 E. Cedar is disruptive to the neighborhood due to the drunk people partying and drinking on the street; that limousines pull up in front of 55 E. Cedar late at night; that partying at 55 E. Cedar occurs until 2:00 AM to 3:00 AM; that with respect to 67 E. Cedar, the other day he witnessed about twelve (12) people disembark from an Airport Express bus and enter 67 E. Cedar; that seventy-eight or eighty (80) people are at the hearing in opposition to the applications; that he and his wife like the character of the neighborhood and all of their neighbors; and

WHEREAS, Mr. John Wong, of 52 E. Cedar, testified in objection to both the

applications; that he is a property tax attorney and a licensed broker; that he was not aware of any vacation rentals on the block when he purchased his home; that none of the vacation rentals have any placards indicating their vacation rental license numbers as required by the City's Vacation Rental Ordinance; that either he would not have purchased his home had he known of the vacation rentals on the block or he would have asked for a steep discount on the price; that under Section 4-6-300(c)(6) of the Municipal Code of the City, vacation licenses cannot be issued to "an applicant or licensee, as applicable, who has violated any applicable federal, state or local law or regulation promulgated thereunder"; that the Applicant has been violating the law as it has been operating without a license; and

WHEREAS, the Board reminded Mr. Wong it was not a licensing board but a zoning board; and

WHEREAS, Mr. Wong then testified at the time he was purchasing his home, he looked at other properties; that said other properties sold at steep discount due to these properties having commercial uses next to them; that had he known of the vacation rental uses near 52 E. Cedar, he would have requested a similar discount; that vacation rental uses are similar to commercial uses as they invite transients into the neighborhood; and

WHEREAS, Mr. Lenny Asaro, co-counsel for the Applicant, was granted leave to cross-examine Mr. Wong; that Mr. Wong further testified regarding the nature of his investigations into the neighborhood when he purchased his home as he had acted as his own real estate broker; and

WHEREAS, Mr. Jonathan Brodsky, of 66 E. Cedar, testified in objection to both applications; that after meeting the new owners of 67 E. Cedar (i.e., the Applicant), he observed quite a bit of activity going in and out of the residence; that at the time, he did not know what a vacation rental by owner was; that there were no placards anywhere to be seen; that he noticed a lot of people going in and out, and it seemed like the subject property was open to all comers; that he lives directly across the street from the subject property; that it gives him no pleasure to document what is happening at the subject property, but the police and the City's Department of Business Affairs stated that any complaint would need to be accompanied with physical evidence; that he then identified a series of photographs of people going in and out of the residence on the subject property and blocking the sidewalks; that said photographs were a true and accurate photograph taken from his house with the exception of the photograph depicting the Airport Express bus that was taken by Alice Chin; that said photographs were then submitted into evidence; and

WHEREAS, Mr. Brodsky then testified that one of the photographs depicted a student group of fourteen (14) people with sleeping bags and pillows; that said student group waited over an hour to enter the residence on the subject property; that all the photographs were taken within the last two or three (2-3) months; that one of the photographs depicted a group of twenty-something year olds from Rochester, New York; that he spoke with said group and he learned the group was staying at the subject



property; that he takes no pleasure taking photographs of groups that do not represent families; that the correspondence he received from both the Applicant and the Applicant's counsel clearly indicated the subject property would be marketed for families; that he has seen no evidence of this; that at times, the subject property does have families come; that these families bring lots of equipment for large family gatherings; that there are reviews on the Applicant's website of twenty-five (25) people coming to large family gatherings; that something about the subject property compels people to open the window; that quite a few people will put their legs out the window, drinking beer and smoking cigarettes; and

WHEREAS, Mr. Brodsky then showed the Board a video he had taken on his cellular phone; that said video was submitted into evidence; that the music heard on the video came from 67 E. Cedar but had been filmed across the street at 66 E. Cedar; that he took the video at 9:15 PM; and

WHEREAS, the Board caused the record to reflect that the video depicted a lot of noise and music emanating from the subject property of 67 E. Cedar; that the video was taken at 9:15 in the evening; and

WHEREAS, Mr. Brodsky further testified that he lived next to a bed-and-breakfast; that he had no real issues with the bed-and-breakfast; that he has lived at his home for two (2) years and had no idea that vacation rentals were across the street; that his real estate agent did not inform him of any, and he would have liked to have known about them; that his real estate agent did disclose the bed-and-breakfast; and

WHEREAS, Mr. Asaro was granted leave to cross-examine Mr. Brodsky; that Mr. Brodsky further testified that he objects to the commercialization of Cedar Street; that the hoses that are being pulled across the street to water plants is indicative of the total change in the neighborhood; that he has no indication that his life will change for the better because Mr. Horrell has purchased the bed-and-breakfast and will be living next door to Mr. Brodsky; and

WHEREAS, Ms. Mary Sealander testified in objection to both the applications; that she resides at 20 E. Cedar; that 20 E. Cedar is a condominium with owner-occupied units or long-term rental units; that she walks her dogs every day 6:00 AM along the same route; that said route has her walking in front of the subject property of 67 E. Cedar; that since 67 E. Cedar has been operating as a vacation rental, she has often noticed vomit and liquor bottles right in front of the property; that vomit does not bother her but it is a residential neighborhood, and she does not feel children should have to walk through vomit; and

WHEREAS, the Board remarked that Mr. Horrell had again disappeared from the hearing; and

WHEREAS, Ms. Sharp stated she did not believe Mr. Horrell was aware he needed to be at the hearing for the entire time; and

WHEREAS, Mr. Asaro stated Mr. Horrell was getting water; and

WHEREAS, the Board stated that Mr. Horrell should be made to understand that he needed to be at the hearing; and

WHEREAS, Ms. Sealander testified that she has seen the Airport Express bus pull up to the subject property many times; that she works at the Lyric Opera and often returns home late at night; that when she returns home, there are often groups of people sitting out on the steps of the subject property playing loud music; and

WHEREAS, Mr. John Friedland, of 20 E. Cedar, testified in objection to both the applications; and

WHEREAS, the Board again requested to the Applicant's counsel that Mr. Horrell needed to return to the hearing; and

WHEREAS, Mr. Horrell returned to the hearing stated that he had had allergies; that he did not want to cough in the hearing; and

WHEREAS, the Board stated it would rather have Mr. Horrell coughing so Mr. Horrell could hear the Objectors' testimony; that the Board would be asking Mr. Horrell questions based on the Objectors' testimony; that the Objectors had said some important things; and

WHEREAS, Mr. Horrell indicated he understood; and

WHEREAS, Mr. Friedland then testified that last Friday evening, he went online to the Vacation Rental By Owner website and made an application for the subject property; that all that was required to make an application was a name and a credit card number; that a true and accurate depiction of the completed application was submitted into evidence as Applicant's Exhibit #13; that the only information he was required to give was a name and phone number; that he was not required to give an address; that he filled out the application requesting a reservation at the subject property at 11:55 AM; that at 12:31 PM, his application was approved and his credit card had been charged; that at no time was he asked if he were a drug dealer or party planner; and

WHEREAS, Ms. Alice Chin, of 33 E. Cedar, testified in objection to both the applications; that the photograph she took of the Airport Express bus is a true and accurate depiction of what she saw on May 5, 2015 at about 4:30 PM; that she saw a group of people exit the Airport Express bus and stand outside the subject property; that the group of people was struggling to open the door; that eventually, Goriana Alexander came across the street from the bed-and-breakfast and opened the door; that Ms. Chin introduced herself and asked if Ms. Alexander was the manager; that Ms. Alexander had indicated she was the manager; that Ms. Chin then inquired if the Applicant had received its special use; that Ms. Alexander told Ms. Chin the Applicant had everything it needed

to operate and that Ms. Chin needed to stop harassing the Applicant's guests; that Ms. Chin then called Mr. Patrick Murphey, staff of the Department of Planning and Development, to inquire if the Applicant had received its special use; that Mr. Murphey informed Ms. Chin that the Applicant did not have its special use; that she and her husband frequently walk by 67 E. Cedar to get to the Rehabilitation Institute of Chicago and to catch the bus; that her husband is disabled; that due to this, both she and her husband have been victims of harassment and robbery; that although she has not experienced harassment from the guests of 67 E. Cedar, she has experienced harassment from the guests of the other vacation rentals in the neighborhood; and

WHEREAS, Mr. Sam Lichenfeld testified in objection to both the applications; that he is on the zoning committee of the Association; that the Applicant had met with Mr. Lichenfeld and the rest of the zoning committee; that it was a cordial meeting and the Applicant suggested a plan of operations; that the Applicant failed at this time to tell the zoning committee that the Applicant was already operating a vacation rental at 67 E. Cedar; that when the zoning committee found this out, the Association unanimously voted against the application; and

WHEREAS, Mr. Larry Sealander testified in objection to both the applications; that he is the president of the 20 E. Cedar condominium board; that he and his fellow board presidents would all testify; that said testimony would be the reasons why they were in objection to the special use; and

WHEREAS, Mr. John Pikarski, counsel for several of the neighbors individually, called Mr. Hugh Edfors to testify on behalf of the Objectors as the Objectors' real estate appraisal expert witness; that his credentials as an expert in real estate appraisal were acknowledged by the Board; and

WHEREAS, Mr. Asaro stipulated to Mr. Edfors' qualifications as an expert; and

WHEREAS, Mr. Edfors testified on behalf of the Objectors; that he has lived at 1150 N. Lakeshore Drive, which is about 425 feet away from the subject property, for the last thirty-seven (37) years; that therefore he is familiar with the subject property; that the applications are not in the interest of the public convenience because there are many hotel lodging rooms in the immediate area; that Astor East has 278 rooms, Hotel Indigo has 165 rooms, that the Thompson Hotel has 250 rooms; that there are also many motel lodging rooms in the immediate area; that in fact, there are a variety of different price levels south of Oak Street and east and west of the Oak Street on Michigan Avenue; that the proposed vacation rentals will have a very negative effect on the neighborhood and the community area; that with respect to the neighborhood, the major factor which affects the market value of property in the neighborhood is the lifestyles of people in the area; that the special use applications being sought are actually for a hotel use; that vacation rental is a short-term rental of lodging space; that this is a commercial use; that commercial use is not permitted in a DR-3 zoning district; that the immediate neighborhood surrounding the subject property is a very quiet, unique and historic neighborhood; that Cedar Street in this particular neighborhood is in a central part of the

Gold Coast neighborhood but is clearly a residential and historic enclave in the City; that the proposed special uses do not fit in with the neighborhood as the proposed special uses do not conform with any use; that this is detrimental; that the proposed special uses will significantly diminish the property values in the neighborhood for a number of reasons; and

WHEREAS, the Board inquired if Mr. Edfors was testifying that previous vacation rentals generally diminished property values in the area or that the Applicant's vacation rental will diminish property values; and

WHEREAS, Mr. Edfors testified that this particular operation or special use for this particular property would have a negative effect on property values; and

WHEREAS, Mr. Edfors then testified that the traffic generated by the Applicant's guests, such as the vans and minibuses coming from the airport, are very destructive; that said traffic does not fit in with the character of the neighborhood and is very detrimental; that parking is very important in this particular neighborhood; that this particular part of Cedar Street has twenty-four (24) hour permit parking; that it is even difficult to find illegal parking spaces along fire hydrants in the neighborhood; that he has reviewed a lot of material on the Applicant's website, and many of these guests to the subject property come from other countries and other jurisdictions; that often guests from other countries and other jurisdictions are not concerned with getting a ticket, so a legal space will be taken by a non-permitted automobile; that on Cedar Street, he has seen illegal parking, which is a safety issue; that there is also an issue regarding pedestrian traffic; that the testimony of the neighbors establishes that sometimes groups of people are waiting out front; that this is disruptive to pedestrians especially if said pedestrians are elderly or have fears about their safety; that traffic is an issue that reduces property values; and

WHEREAS, Mr. Edfors further testified that while the general area is a nightlife area as there are hotel and commercial districts along Rush Street, the particular area where the subject property is located is strictly a residential area and very quiet; that there is not a lot of pedestrian or automobile traffic going up and down this part of Cedar Street; that when there is a rental of a unit for hotel lodging use, people do come in and out at different times of the day and night; that often hotels have some rules and security to prevent disturbances; that there are rules that may be adhered to in the short-term rental market, but this market is different than a hotel; that therefore, the rules are often ignored; that often the rules cannot be enforced so there is a risk; that there are instances where the guests are very rowdy and make noise, sometimes late at night; that he himself has heard this noise; and

WHEREAS, Mr. Asaro was granted leave to cross-examine Mr. Edfors; that Mr. Edfors further testified that the rental of a room for sleeping purposes is a hotel use; that the use is really a commercial use especially when the rental of a room is short-term, such as by the night or for one or two nights; that although the room is not in a hotel, in his opinion it is effectively a hotel use; that hotels are not permitted in a DR zoning district; that the proposed special uses are not actually hotel uses; that there are different rules and

regulations and standards which exist in a hotel which do not apply or even exist for these type of special uses; that the proposed special uses will diminish property values; that overall in the last five years, property values in the Gold Coast have been increasing; that he does not have an opinion as to what would constitute a tipping point regarding number of vacation rentals in terms of market values being negatively affected in this particular area; and

WHEREAS, Mr. Steve Werner testified on behalf of the Objectors; that his credentials as an expert witness in land planning were accepted by the Board; that Mr. Asaro stipulated to the background and qualifications of Mr. Werner; that Mr. Werner then testified he made an investigation as to the number of hotel rooms, including bed and breakfasts and other types of rooms available within three-quarters of a mile of the subject property; that there are approximately 8,000 hotel rooms available to service the immediate need in the area; that this goes to the standard as to whether there is a specific need or public benefit to the proposed use; that the residential character of the neighborhood is very unique; that the imposition of another nonresidential use into this relatively small area carries with it the potential for significant adverse impact from a planning and zoning standpoint; and

WHEREAS, Mr. Asaro was granted leave to cross-examine Mr. Werner; that Mr. Werner further testified that special uses are looked at on a case-by-case basis; that the particular location, method of operation, and all the other standards for special use are all looked at with each particular special use; that this is significantly different than those uses permitted as of right by this Zoning Ordinance; that hospitality is a special use in this zoning district; and

WHEREAS, the staff of the Department of Planning and Development recommended denial of the proposal to establish two vacation rental units in the building at 67 E. Cedar; and

THE ZONING BOARD OF APPEALS having fully heard the testimony and arguments of the parties and being fully advised, hereby makes the following findings with reference to the Applicant's application for a special use pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance:

1. The Board finds the proposed special uses are currently having and will continue to have a significant adverse impact on the general welfare of the neighborhood. The testimony of the neighbors, the Aldermen, and the experts for both the Applicant and the Objectors established that the subject property is located on a residential street in a residential neighborhood. The testimony of the neighbors of the subject property, in particular the very credible testimony and evidence of Mr. Brodsky and the very credible testimony of Ms. Sealander, further established that since the Applicant has begun operating its vacation rentals on the subject property, the quiet, residential character of the neighborhood has been plagued by loud noise and music emanating from the subject property at night, congestion of the sidewalks by groups of people awaiting access to the subject property, and


vomit and liquor bottles littering the front of the subject property. Although Mr. Horrell, the Applicant's co-managing member and the only representative of the Applicant to testify, did testify that the Applicant had rules and regulations regarding use of the subject property, Mr. Horrell had zero credibility as a witness. In particular, his testimony that he has been in the real estate business for over eighteen (18) years cannot be reconciled with his testimony that he was not aware the Applicant required special uses to operate vacation rentals at the subject property. Further, his inability to answer the Board's questions regarding basic business practices of the Applicant, such as what sort of property taxes the Applicant is paying on the subject property, as well as his continuous, inexplicable absences from the hearing, cast severe doubt on the veracity of his representations to the Board;

2. The Board finds that the proposed special uses are not compatible with the operating characteristics of the surrounding area. This block of Cedar Street is a quiet, residential street. The loud music, noise, traffic generation, and large groups of people created by the vacation rental uses of the subject property, as credibly testified to by the neighbors, are not compatible with the quiet, residential character of the block. Although Mr. Horrell testified as to the operating characteristics of the Applicant's vacation rental business at the subject property, his credibility, as stated above, is zero. As Mr. Horrell is the Applicant's co-managing member and testified that he would be the one responsible for the Applicant's vacation rental operations at the subject property, his credibility is critical to the Board making a factual determination as to the Applicant's ability to operate the proposed special uses in a manner compatible with the surrounding area. As Mr. Horrell is not currently operating the Applicant's vacation rental business at the subject property in a manner that is compatible with the operating characteristics of the neighborhood and as Mr. Horrell is not a credible witness, the Board finds that should the proposed special uses be granted, the proposed special uses would continue to be not compatible with the operating characteristics of the surrounding area;
3. The Board finds the proposed special uses are not designed to promote pedestrian safety and comfort. The neighbors very credibly testified that the sidewalks are frequently blocked by large groups of the Applicant's guests awaiting access to the subject property. Large groups of people blocking sidewalks are not conducive to pedestrian safety and comfort.

RESOLVED, the Board finds that the Applicant has not proved its case by testimony and evidence covering the five specific criteria of Section 17-13-0905-A of the Chicago Zoning Ordinance.

RESOLVED, the aforesaid special use applications are hereby denied.

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

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