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

**APPLICANT:** Chicago Board of Education **CAL NO.:** 236-15-S

**APPEARANCE FOR:** Scott Borstein **MINUTES OF MEETING:** July 17, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 4608-48 S. Kedzie Avenue

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

**ACTION OF BOARD-**
APPLICATION APPROVED

AUG 26 2015
CITY OF CHICAGO

**THE VOTE**

| | AFFIRMATIVE | NEGATIVE | ABSENT |
|---|---|---|---|
| JONATHAN SWAIN | X | | |
| SOL FLORES | | | X |
| SHEILA O'GRADY | X | | |
| SAM TOIA | X | | |

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 17, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 2, 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 consistent with the layout and plans prepared by Woodhouse Tinucci Architects and dated April 15, 2015.

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

APPROVED AS TO SUBSTANCE
CHAIRMAN

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

**APPLICANT:** Bright Beginnings Early Learning Center LLC **CAL NO.:** 237-15-S

**APPEARANCE FOR:** Avni Shah **MINUTES OF MEETING:** July 17, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3615 W. Oakdale Avenue

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of three, accessory, parking spaces in an existing surface parking lot to serve a proposed daycare, to be located at 2902 N. Central Park Avenue.

**ACTION OF BOARD-**
VARIATION GRANTED

AUG 2 6 2015
CITY OF CHICAGO

**THE VOTE**

| | AFFIRMATIVE | NEGATIVE | ABSENT |
|---|---|---|---|
| JONATHAN SWAIN | X | | |
| SOL FLORES | | | X |
| SHEILA O'GRADY | X | | |
| SAM TOIA | X | | |

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 17, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 2, 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 three, accessory, parking spaces in an existing surface parking lot to serve a proposed daycare, to be located at 2902 N. Central Park Avenue; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

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

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

APPROVED AS TO SUBSTANCE
CHAIRMAN

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

**APPLICANT:** Chicago Title Land Trust Company, No. 8002355206 **CAL NO.:** 238-15-Z

**APPEARANCE FOR:** Katriina McGuire **MINUTES OF MEETING:** July 17, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2140 N. Fremont Street

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the south side setback from 2' to 0'; to reduce the north side setback from 2' to 1.25'; and, to reduce the combined side setback from 4.4' to 1.25' for a proposed, rear, two-story addition ( with an open deck) to an existing two -story, single family residence; the existing, rear two car garage will be partially demolished.

**ACTION OF BOARD-**
VARIATION GRANTED

AUG 2 6 2015
CITY OF CHICA

**THE VOTE**

| | AFFIRMATIVE | NEGATIVE | ABSENT |
|---|---|---|---|
| JONATHAN SWAIN | X | | |
| SOL FLORES | | | X |
| SHEILA O'GRADY | X | | |
| SAM TOIA | X | | |

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 17, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 2, 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 south side setback to 0'; to reduce the north side setback to 1.25'; and, to reduce the combined side setback to 1.25' for a proposed, rear, two-story addition ( with an open deck) to an existing two -story, single family residence; the existing, rear two car garage will be partially demolished; 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:** 735 N. Wells, LLC c/o Jenel Management Corporation **CAL NO.:** 239-15-Z

**APPEARANCE FOR:** **MINUTES OF MEETING:** July 17, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 755 N. Wells Street

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the length of the off-street loading space from 10' x 25' x 14' to 10' x 20.58' x 9' for the proposed conversion of a ground floor parking garage into retail space in a three-story, commercial/retail building.

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

AUG 2 6 2015
CITY OF CHICAGO

**THE VOTE**

| | AFFIRMATIVE | NEGATIVE | ABSENT |
|---|---|---|---|
| JONATHAN SWAIN | X | | |
| SOL FLORES | | | X |
| SHEILA O'GRADY | X | | |
| SAM TOIA | X | | |

APPROVED AS TO SUBSTANCE
CHAIRMAN

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

**APPLICANT:** David Groebner **CAL NO.:** 240-15-Z

**APPEARANCE FOR:** Bernard Citron **MINUTES OF MEETING:** July 17, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1445 N. Cleaver Street

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the rear setback from 16.27' to 7.15' for a proposed, four-story, single-family residence with a rear, attached, two-car garage with an open roof deck.

**ACTION OF BOARD-**
VARIATION GRANTED

AUG 26 2015
CITY OF CHICAGO

**THE VOTE**

| | AFFIRMATIVE | NEGATIVE | ABSENT |
|---|---|---|---|
| JONATHAN SWAIN | X | | |
| SOL FLORES | | | X |
| SHEILA O'GRADY | X | | |
| SAM TOIA | X | | |

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 17, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 2, 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 7.15' for a proposed, four-story, single-family residence with a rear, attached, two-car garage with an open roof deck; an additional variation was granted to the subject site in Cal. No. 241-15-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

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

**APPLICANT:** David Groebner **CAL NO.:** 241-15-Z

**APPEARANCE FOR:** Bernard Citron **MINUTES OF MEETING:** July 17, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1445 N. Cleaver Street

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to increase the 38' building height maximum by no more than 10% (3.8') for a proposed, four-story, single-family residence with a rear, attached, two-car garage with an open roof deck.

**ACTION OF BOARD-**
VARIATION GRANTED

AUG 2 0 2015
CITY OF CHICAGO

**THE VOTE**

| | AFFIRMATIVE | NEGATIVE | ABSENT |
|---|---|---|---|
| JONATHAN SWAIN | X | | |
| SOL FLORES | | | X |
| SHEILA O'GRADY | X | | |
| SAM TOIA | X | | |

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 17, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 2, 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 also be permitted to increase the height by no more than 3.8' of the permitted 38' maximum height which is no more than 10% of the existing height; an additional variation was granted in 240-15-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:** House Corporation, Board of Directors, Chi Upsilon Alumni **CAL NO.:** 242-15-A

**APPEARANCE FOR:**

**MINUTES OF MEETING:**
July17, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 5615 S. University Avenue

**NATURE OF REQUEST:** Application for a appeal under Chapter 17 of the Zoning Ordinance from the decision of the Zoning Administrator in refusing to allow the increase in the existing building height of 30' by no more than 10% (2.17') for a proposed, three-story, rear enclose porch and two-story, rear addition to an existing legal non-

**ACTION OF BOARD-**
CASE CONTINUED TO OCTOBER 16, 2015

**THE VOTE**

AUG 2 6 2015
CITY OF CHICAGO

| | AFFIRMATIVE | NEGATIVE | ABSENT |
|---|---|---|---|
| JONATHAN SWAIN | X | | |
| SOL FLORES | | | X |
| SHEILA O'GRADY | X | | |
| SAM TOIA | X | | |

APPROVED AS TO SUBSTANCE
CHAIRMAN

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

**APPLICANT:** 873 Sedgwick, LLC **CAL NO.:** 243-15-Z

**APPEARANCE FOR:** Sylvia Michas **MINUTES OF MEETING:** July 17, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 367 W. Locust 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 19' and to reduce the west, side, reversed, corner lot setback from 7.5' to 0' for a proposed, six-story, 45-unit building with a 51-space, ground floor, parking lot.

**ACTION OF BOARD-**
VARIATION GRANTED

AUG 2 6 2015
CITY OF C

**THE VOTE**

| | AFFIRMATIVE | NEGATIVE | ABSENT |
|---|---|---|---|
| JONATHAN SWAIN | X | | |
| SOL FLORES | | | X |
| SHEILA O'GRADY | X | | |
| SAM TOIA | X | | |

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 17, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 2, 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 19' and to reduce the west, side, reversed, corner lot setback to 0' for a proposed, six-story, 45-unit building with a 51-space, ground floor, parking lot; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE
CHAIRMAN

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

**APPLICANT:** Chicago Housing Investment Properties, LLC **CAL NO.:** 244-15-Z

**APPEARANCE FOR:** Mark Kupiec **MINUTES OF MEETING:** July 17, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3306 N. Bell Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the rear setback from 34.7' to 22' to allow for an open staircase to be established along the eastern elevation of the existing, rear, detached, two-car garage to allow for access to its proposed rooftop deck, the existing two-story, single-family residence will remain.

**ACTION OF BOARD-**
VARIATION GRANTED

AUG 2 6 2015
CITY OF CHICAGO

**THE VOTE**

| | AFFIRMATIVE | NEGATIVE | ABSENT |
|---|---|---|---|
| JONATHAN SWAIN | X | | |
| SOL FLORES | | | X |
| SHEILA O'GRADY | X | | |
| SAM TOIA | X | | |

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 17, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 2, 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 22' to allow for an open staircase to be established along the eastern elevation of the existing, rear, detached, two-car garage to allow for access to its proposed rooftop deck, the existing two-story, single-family residence will remain; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE
CHAIRMAN

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

**APPLICANT:** 1800 North California, LLC **CAL NO.:** 245-15-Z

**APPEARANCE FOR:** Mark Kupiec **MINUTES OF MEETING:** July 17, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1800 N. California Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the 6,000 square foot minimum lot area by no more than 10% to 5,600 square feet for a proposed, three-story, six-unit building with a rear, detached, six-car garage.

**ACTION OF BOARD-**
VARIATION GRANTED

AUG 2 6 2015
CITY OF

**THE VOTE**

| | AFFIRMATIVE | NEGATIVE | ABSENT |
|---|---|---|---|
| JONATHAN SWAIN | X | | |
| SOL FLORES | | | X |
| SHEILA O'GRADY | X | | |
| SAM TOIA | X | | |

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 17, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 2, 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 6,000 square foot minimum lot area by no more than 10% to 5,600 square feet for a proposed, three-story, six-unit building with a rear, detached, 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:** Erasmo Salazar **CAL NO.:** 246-15-Z

**APPEARANCE FOR:** Mark Kupiec **MINUTES OF MEETING:** July 17, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2324 S. Homan Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the front setback from 14.96' to 1.59'; to reduce the north side setback from 2' to 0.25" and, to reduce the combined side setback from 5' to 3.66' for a proposed, second floor addition and two-story, rear addition to an existing, one-story, single family residence being converted to a two-unit building; the existing, rear detached, two-car garage will remain and be renovated.

**ACTION OF BOARD-**
VARIATION GRANTED

AUG 2 6 2015
CITY OF C...

**THE VOTE**

| | AFFIRMATIVE | NEGATIVE | ABSENT |
|---|---|---|---|
| JONATHAN SWAIN | X | | |
| SOL FLORES | | | X |
| SHEILA O'GRADY | X | | |
| SAM TOIA | X | | |

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 17, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 2, 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 1.59'; to reduce the north side setback to 0.25" and, to reduce the combined side setback to 3.66' for a proposed, second floor addition and two-story, rear addition to an existing, one-story, single family residence being converted to a two-unit building; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE
CHAIRMAN

**ZONING BOARD OF APPEALS**
**CITY OF CHICAGO**

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



**Chip Keystone II, LLC**
APPLICANT

**247-15-Z**
CALENDAR NUMBER

**3834 North Claremont Avenue**
PREMISES AFFECTED

**July 17, 2015**
HEARING DATE

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Mark Kupiec
APPEARANCE FOR APPLICANT

Michael Rand & Angela Baluk
OBJECTORS

**NATURE OF REQUEST**

Application for a variation to reduce the rear setback from 34.75' to 2.25' for a proposed rear detached two-car garage with a roof deck, accessed via an exterior staircase; the existing two-story single-family residence will remain.

**ACTION OF BOARD**

The application for the variation is denied.

**THE VOTE**

| | APPROVED | DENIED | ABSENT |
|---|---|---|---|
| Jonathan Swain, Chair | ☐ | ☒ | ☐ |
| 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 July 17, 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, the Board took judicial notice of the testimony given by Mr. Mark Good in the hearing for Board Calendar Number 244-15-Z; that Mr. Mark Good is the member and manager of the Applicant; that Mr. Good is in the business of preserving and reconstructing older buildings by building a new home from inside out within a vintage exterior shell; that currently, he has fifteen (15) projects going on within the City; and

WHEREAS, Mr. Mark Kupiec, counsel for the Applicant, summarized the history of the affected property and the nature of the relief sought; that the subject property is

APPROVED AS TO SUBSTANCE
CHAIRMAN

currently improved with a single-family residence; that the relief requested is for an open stairway that would provide access to a rooftop deck; and

WHEREAS, Mr. Mark Good testified on behalf of the Applicant; that the subject property is currently improved with an older home, built in the early 1900s; that the Applicant wishes to keep the exterior shell and renovate the interior of the home; that there will be a 1000 foot new addition to said existing home; that after said new addition, there will be very little open space in the rear of the home; that therefore, the rooftop deck will allow some additional space for a family when said family wishes to be outdoors; that the rooftop deck is important for the sake of marketability; that there is much new construction on the block and there are many homes in the near vicinity of the subject property that have a rooftop deck; that the Applicant needs to remain competitive with the new construction; that this is why the Applicant has requested the variation; that the variation is needed so that the rooftop deck may be accessed; that the parapet on top of the garage is only three feet six inches (3' 6") so said parapet is a very modest increase in the height of the garage structure; and

WHEREAS, the Board asked Mr. Kupiec to explain the request for setback relief; and

WHEREAS, Mr. Kupiec stated that the request for setback relief had nothing to do with the garage; that the setback relief was for the stairway to the rooftop deck; that said stairway would be in the side yard as the subject property is a wide lot; that generally, stairways to rooftop decks are in the backyard; that the setback relief requested is specifically for the staircase; and

WHEREAS, Mr. Pablo Chevez testified on behalf of the Applicant; that he was the Applicant's architect for the project; that he proposed to put the stairway along the north side of the garage; that the subject property is on a thirty foot (30') lot; that consequently, even with the stairway on the side of the garage, there is still gangway access from the backyard to the alley; that the stairway is needed for access to the garage's rooftop deck; that the proposed location of the stairway is the best spot to place the stairway on the subject property; that he explored alternative places to put the proposed stairway; that it is not possible to construct an indoor staircase in this situation; that as the rear yard space is only eighty feet (80'), the position of the proposed stairway in the side yard is best; that with respect to the neighbors next south, the proposed stairway is in a good spot because it is opposite to the home of the neighbors next south; that the maximum height of the garage will be fifteen feet (15'); that therefore the Applicant is not asking for any relief for the garage and could actually build the garage with the proposed parapet as of right; that again, the only relief being sought is for the proposed stairway; that he looked at other buildings in the neighborhood; that other buildings in the neighborhood have stairways to access rooftop decks; that he then showed an exhibit of said buildings; that therefore, if said variation were to be granted, it would not alter the essential character of the neighborhood; and

WHEREAS, Mr. Michael Rand, of 3830 N. Claremont, testified in objection to the application; that he is concerned the rooftop deck will interfere with his privacy and sunlight; and

WHEREAS, Ms. Angela Baluk, also of 3830 N. Claremont, testified in objection to the application; that she does not believe the Applicant has shown any practical difficulties or particular hardships as required under this Zoning Ordinance; that any practical difficulties with respect to the subject property are created by the Applicant's poor planning; that it is fine the Applicant wishes to extend the building but the Applicant should then have considered the rear setback requirements; that the Applicant's request for variation is so the Applicant can sell the subject property for more money; that the requested variation impairs the air circulation and will kill her plants; that she is happy the Applicant is keeping the existing building but does not understand why the Applicant cannot rehab the existing building in such a way that would allow the Applicant to keep a rear yard; and

WHEREAS, the Board asked the Applicant to respond to Ms. Baluk's comments and explain to the Board why the Applicant's hardship was not self-created; and

WHEREAS, Mr. Chevez further testified that variation is needed for the stairway; and

WHEREAS, the Board stated that relief is actually for the rooftop deck; that though the Applicant could build a rooftop deck as of right without the stairway the Applicant could not access said rooftop deck without the stairway; and

WHEREAS, Mr. Chevez further testified that for the stairway to be located inside the garage, the stairway would need to be enclosed; that to enclose the stairway, an additional six feet eight inches (6' 8") of height would be needed; that with this additional height, the garage would be taller than the maximum allowable height of fifteen feet (15'); that the Applicant would therefore still need a variation for said stairway; and

WHEREAS, Mr. Kupiec explained that if the Applicant did provide an interior stairway to access the rooftop deck, the Applicant would need to build a doghouse on top of the garage to accommodate said interior stairway, just as one must be built on principal buildings; and

WHEREAS, the Board stated that, in the Board's opinion, the subject property's hardship is created by the Applicant's proposed addition to the existing building; that the Board wished the Applicant to comment on this; and

WHEREAS, Mr. Kupiec stated he had seen rooftop decks in the neighborhood with and without rear yard additions; and

WHEREAS, the Board stated the subject property's hardship is created by the rear addition to the existing building; that if the Applicant did not have the rear addition, the argument about open space goes away; and

WHEREAS, Mr. Good further testified that the rear addition is fundamental to the success and viability of the project; that in order to offer a 4200 square foot home and compete with the new construction being offered across the street from the subject property, the Applicant had to add an addition in the basement, first level, and second level; and

WHEREAS in response to questions by the Board, Mr. Good further testified that the Applicant's competitors tear existing homes down so that "they have a blank canvas to paint on"; that the Applicant's competitors can build more density on the same lot and still preserve more open space in the back; that the Applicant's competitors have an advantage by tearing down existing homes; that therefore the Applicant needs the proposed addition; that the proposed addition fits with in the FAR and bulk standards of the zoning district; and

WHEREAS, Mr. Good then testified that the Applicant was not aware when it started the project that the proposed stairway to the rooftop deck would require setback relief; that the rooftop deck was always part of the Applicant's plan of development; that it was unexpected that the Applicant would have to come before the Board; and

WHEREAS, Mr. Chavez further testified this Zoning Ordinance requires the Applicant have a setback of 34.75'; that if the Applicant were able to build a garage 34.75' deep, the Applicant would not be able to have a stairway from the backyard side of the garage accessing the rooftop deck; that the Applicant would still need to provide rear yard open space; that no matter where the Applicant built the stairway, it would always be in some way in the rear setback; and

WHEREAS, Section 17-13-1101-B of this 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 this Zoning Ordinance, and the Board being fully advised, hereby makes the following findings with reference to the Applicant's application for a variation:

1. The Board finds that pursuant to 17-13-1107-A that the Applicant has not proved its case by testimony and other evidence that strict compliance with this Zoning Ordinance would create practical difficulties or particular hardships for the subject property. With respect to practical difficulty or particular hardship, Mr. Good testified that to stay competitive the Applicant needed to provide open space to sell the property to

families. Consequently, the Applicant needed the setback relief to allow the Applicant to provide a stairway to the proposed rooftop deck. The Board finds, pursuant to Section 17-13-1107-C, that this is not a practical difficulty or particular hardship as to the extent hardship or difficulty does exist, it has been created by the Applicant. Were the Applicant not building a 1000 square foot rear yard addition, the Applicant could provide rear yard open space without resorting to a rooftop deck. Since Section 17-13-1107-C requires that the alleged practical difficulty or particular hardship cannot have been created by any person presently having interest in the subject property and as the Applicant's alleged practical difficulty or particular hardship is self-created, the Applicant cannot prove that strict compliance with this Zoning Ordinance would create practical difficulties or particular hardships for the subject property.

2. The Board finds that pursuant to 17-13-1107-B that the Applicant has not proved by testimony and other evidence that a practical difficulty or particular hardship exists because the property in question can yield a reasonable return if permitted to be used only in accordance with this Zoning Ordinance. Mr. Good testified that the Applicant is at a disadvantage because its competitors can tear an existing building down, build more density on the lot and still preserve rear yard open space. Clearly, the Applicant's competitors are yielding a reasonable return on similar property. The Applicant is not prohibited by doing the same as the Applicant could tear down the existing building on the subject property, build more density on the lot and still preserve rear yard open space – all while remaining in compliance with this Zoning Ordinance. The Board therefore finds that the Applicant has not proved the property in question cannot yield a reasonable return if permitted to be used only in accordance with this Zoning Ordinance.

3. The Board, in making its determination pursuant to 17-13-1107-C that a practical difficulty or particular hardship did not exist, took into account that evidence was presented that the alleged practical difficulty or practical hardship has been created by the Applicant. Mr. Good testified that the hardship with respect to the subject property should the variation not be granted is the lack of open space. Said open space, should the variation be granted, would be in the form of a rooftop deck. Such a rooftop deck is necessary – so testified Mr. Good – to make the property marketable. However, as stated above, were the Applicant not adding a 1000 square foot rear yard addition to the existing home on the subject property, the Applicant could provide rear yard open space without the requested variation. The Board therefore finds that the Applicant's alleged hardship or practical difficulty is self-created.

RESOLVED, the Board finds that the Applicant has not sufficiently established by testimony and other evidence covering the specific criteria for a variation to be granted pursuant to Section 17-13-1107- A, B and C of the Chicago Zoning Ordinance.

RESOLVED, the aforesaid variation application is hereby 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**

**APPLICANT:** Robert Otter **CAL NO.:** 248-15-Z

**APPEARANCE FOR:** Thomas Moore **MINUTES OF MEETING:** July 17, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 616-18 S. Racine Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the north side setback from 2.1' to 0' and to reduce the combined side setback from 5.3' to 4.5' for a proposed, four-story, five-unit building with a rear, detached, five-car garage to be established at 616 South Racine Avenue.

**ACTION OF BOARD-**
VARIATION GRANTED

AUG 2 6 2015
CITY OF CHICAGO

**THE VOTE**

| | AFFIRMATIVE | NEGATIVE | ABSENT |
|---|---|---|---|
| JONATHAN SWAIN | X | | |
| SOL FLORES | | | X |
| SHEILA O'GRADY | X | | |
| SAM TOIA | X | | |

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 17, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 2, 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 north side setback to 0' and to reduce the combined side setback to 4.5' for a proposed, four-story, five-unit building with a rear, detached, five-car garage to be established at 616 S. Racine Avenue; additional variations were granted in Cal. No. 249-15-Z and 250-15-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:** Robert Otter **CAL NO.:** 249-15-Z

**APPEARANCE FOR:** Thomas Moore **MINUTES OF MEETING:** July 17, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 616-18 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 15' to 2.83' and to reduce the alley parking access setback from 2' to 1' for a proposed, four-story, five-unit building with a rear, detached, five-car garage.

**ACTION OF BOARD-**
VARIATION GRANTED

AUG 2 6 2015
CITY OF CHI...

**THE VOTE**

| | AFFIRMATIVE | NEGATIVE | ABSENT |
|---|---|---|---|
| JONATHAN SWAIN | X | | |
| SOL FLORES | | | X |
| SHEILA O'GRADY | X | | |
| SAM TOIA | X | | |

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 17, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 2, 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 2.83' and to reduce the alley parking access setback to 1' for a proposed, four-story, five-unit building with a rear, detached, five-car garage; additional variations were granted in Cal. Nos. 248-15-Z, and 250-15-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:** Robert Otter **CAL NO.:** 250-15-Z

**APPEARANCE FOR:** Thomas Moore **MINUTES OF MEETING:** July 17, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 616-18 S. Racine Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the required, accessory parking spaces from three to two for an existing, three-story, three-unit building to allow for the establishment of a proposed, four-story, five-unit building with a rear, detached, five-car garage at 616 S. Racine Avenue

**ACTION OF BOARD-**
VARIATION GRANTED

AUG 26 2015
CITY OF CHICAGO

**THE VOTE**

| | AFFIRMATIVE | NEGATIVE | ABSENT |
|---|---|---|---|
| JONATHAN SWAIN | X | | |
| SOL FLORES | | | X |
| SHEILA O'GRADY | X | | |
| SAM TOIA | X | | |

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 17, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 2, 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 required, accessory parking spaces from three to two for an existing, three-story, three-unit building to allow for the establishment of a proposed, four-story, five-unit building with a rear, detached, five-car garage at 616 S. Racine Avenue; additional variations were granted in Cal. Nos. 248-15-Z and 249-15-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

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

**APPLICANT:** Michael and Phoebe Nitekman **CAL NO.:** 251-15-Z

**APPEARANCE FOR:** Thomas Moore **MINUTES OF MEETING:** July 17, 2015

**APPEARANCE AGAINST:** None

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

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the rear setback from 35.38' to 22.05'; to reduce the west side setback from 2' to 0.3'; and, to reduce the combined side setback from 5' to 2.44' for a proposed, third floor addition and a rear, one-story addition to an existing, two-story, single family residence connected to a rear, existing, two-car garage via an open staircase.

**ACTION OF BOARD-**
VARIATION GRANTED

AUG 2 6 2015
CITY OF CHICAGO

**THE VOTE**

| | AFFIRMATIVE | NEGATIVE | ABSENT |
|---|---|---|---|
| JONATHAN SWAIN | X | | |
| SOL FLORES | | | X |
| SHEILA O'GRADY | X | | |
| SAM TOIA | X | | |

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 17, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 2, 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 22.05'; to reduce the west side setback to 0.3'; and, to reduce the combined side setback to 2.44' for a proposed, third floor addition and a rear, one-story addition to an existing, two-story, single family residence connected to a rear, existing, two-car garage via an open staircase; 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:** Thomas J. Biggs/DBA Another Dimension Tattoos **CAL NO.:** 252-15-S

**APPEARANCE FOR:** Thomas Biggs **MINUTES OF MEETING:** July 17, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3716 W. Belmont Avenue

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a body art services facility.

**ACTION OF BOARD-**
APPLICATION APPROVED

**THE VOTE**

AUG 26 2015
CITY OF CHICAGO

| | AFFIRMATIVE | NEGATIVE | ABSENT |
|---|---|---|---|
| JONATHAN SWAIN | X | | |
| SOL FLORES | | | X |
| SHEILA O'GRADY | X | | |
| SAM TOIA | X | | |

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 17, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 2, 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 body art services 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):

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:** Hawa Niang Ndiaye/DBA Khadija Hair Braiding **CAL NO.:** 253-15-S

**APPEARANCE FOR:** David Danku / Hawa Ndiaye **MINUTES OF MEETING:** July 17, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 8553 S. Cottage Grove Avenue

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

**ACTION OF BOARD-**
APPLICATION APPROVED

AUG 2 6 2015
CITY OF CHICAGO

**THE VOTE**

| | AFFIRMATIVE | NEGATIVE | ABSENT |
|---|---|---|---|
| JONATHAN SWAIN | X | | |
| SOL FLORES | | | X |
| SHEILA O'GRADY | X | | |
| SAM TOIA | X | | |

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 17, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 2, 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 hair braiding salon at the subject site; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

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

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

APPROVED AS TO SUBSTANCE
CHAIRMAN

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

**APPLICANT:** Cuencas Family Hair Cuts **CAL NO.:** 254-15-S

**APPEARANCE FOR:** Jaime Jara **MINUTES OF MEETING:** July 17, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3718 W. Lawrence Avenue

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

**ACTION OF BOARD-**
APPLICATION APPROVED

AUG 26 2015
CITY OF CHICAGO

**THE VOTE**

| | AFFIRMATIVE | NEGATIVE | ABSENT |
|---|---|---|---|
| JONATHAN SWAIN | X | | |
| SOL FLORES | | | X |
| SHEILA O'GRADY | X | | |
| SAM TOIA | X | | |

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 17, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 2, 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 beauty salon at the subject site ;expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject; 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:** V75 Limited **CAL NO.:** 255-15-Z

**APPEARANCE FOR:** **MINUTES OF MEETING:** July 17, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 125-27 W. 75th Street

**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-**
CASE CONTINUED TO AUGUST 21, 2015

AUG 2 6 2015
CITY OF CHICAGO

**THE VOTE**

| | AFFIRMATIVE | NEGATIVE | ABSENT |
|---|---|---|---|
| JONATHAN SWAIN | X | | |
| SOL FLORES | | | X |
| SHEILA O'GRADY | X | | |
| SAM TOIA | X | | |

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

**APPLICANT:** Mohammed Farooqui **CAL NO.:** 256-15-S

**APPEARANCE FOR:** John Pikarski **MINUTES OF MEETING:** July 17, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 215 N. Damen Avenue

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a motor vehicle repair shop which may include body work, painting and commercial vehicle repair.

**ACTION OF BOARD-**
APPLICATION APPROVED

AUG 2 6 2015
CITY OF CHICAGO

**THE VOTE**

| | AFFIRMATIVE | NEGATIVE | ABSENT |
|---|---|---|---|
| JONATHAN SWAIN | X | | |
| SOL FLORES | | | X |
| SHEILA O'GRADY | X | | |
| SAM TOIA | X | | |

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 17, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 2, 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 motor vehicle repair shop which may include body work, painting and commercial vehicle repair; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The development is consistent with the design, layout and plans prepared by Joseph Alexander and dated February 6, 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:** Wieslawa Kozielski **CAL NO.:** 257-15-Z

**APPEARANCE FOR:** John Pikarski **MINUTES OF MEETING:** July 17, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3116-18 N. Central Park 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 2' to 0'; to reduce the north side setback from 2' to 0.53'; and, to reduce the combined side setback from 5' to 0.53' to allow the sub-division of 3118 N. Central Park Avenue (lot 84) from 3116 N. Central Park ( lot 83); the existing two-story, four unit building will remain at 3118 N. Central Park Avenue.

**ACTION OF BOARD-**
VARIATION GRANTED

AUG 2 6 2015
CITY OF CHICAGO

**THE VOTE**

| | AFFIRMATIVE | NEGATIVE | ABSENT |
|---|---|---|---|
| JONATHAN SWAIN | X | | |
| SOL FLORES | | | X |
| SHEILA O'GRADY | X | | |
| SAM TOIA | X | | |

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 17, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 2, 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 south side setback to 0'; to reduce the north side setback to 0.53'; and, to reduce the combined side setback to 0.53' to allow the sub-division of 3118 N. Central Park Avenue from 3116 N. Central Park; the existing two-story, four unit building will remain at 3118 N. Central Park Avenue; 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:** Access Housing I, LLC **CAL NO.:** 258-15-Z

**APPEARANCE FOR:** Steve Friedland **MINUTES OF MEETING:** July 17, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1746 N. Francisco Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to establish residential units on a lot whose minimum area of 2,875 square feet is no less than 90% of the required 3,000 square feet for a proposed, two-story, two-unit building with two, rear, surface parking spaces.

**ACTION OF BOARD-**
VARIATION GRANTED

**THE VOTE**

| | AFFIRMATIVE | NEGATIVE | ABSENT |
|---|---|---|---|
| JONATHAN SWAIN | X | | |
| SOL FLORES | | | X |
| SHEILA O'GRADY | X | | |
| SAM TOIA | X | | |

AUG 2 6 2015
CITY OF CHICAGO

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 17, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 2, 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 residential units on a lot whose minimum area of 2,875 square feet is no less than 90% of the required 3,000 square feet for a proposed, two-story, two-unit building with two, rear, surface 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:** Universal Scrap Metals, Inc. **CAL NO.:** 259-15-S

**APPEARANCE FOR:** Robert Mahoney **MINUTES OF MEETING:** July 17, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2500 W. Fulton Street

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

**ACTION OF BOARD-**
APPLICATION APPROVED

**THE VOTE**

AUG 2 6 2015
CITY OF CHICAGO

| | AFFIRMATIVE | NEGATIVE | ABSENT |
|---|---|---|---|
| JONATHAN SWAIN | X | | |
| SOL FLORES | | | X |
| SHEILA O'GRADY | X | | |
| SAM TOIA | X | | |

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 17, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 2, 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 Class IV-A recycling facility at the subject site; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

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

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

**ZONING BOARD OF APPEALS**
**CITY OF CHICAGO**

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



**James and Roseann Greco**
APPLICANTS

**260-15-Z**
CALENDAR NUMBER

**6644 W. Hayes Avenue**
PREMISES AFFECTED

**July 17, 2015**
HEARING DATE

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Paul Kolpak
APPEARANCE FOR APPLICANTS

Albert Gettler
OBJECTOR

**NATURE OF REQUEST**

Application for a variation to reduce the front setback from 21.8' to 9.92'; to reduce the east side setback from 4' to 2.59'; and to reduce the combined side setback from 10.8' to 7.1' for a proposed second floor addition, front open porch and a deck connecting the front porch and the rear deck along with the west side of the existing two-story single-family residence; the existing rear detached two-car garage will remain.

**ACTION OF BOARD**

The application for the variation for the east side setback reduction and the combined side yard setback reduction is approved. The application for the variation for the front setback reduction is denied.

**THE VOTE (EAST SIDE SETBACK & COMBINED SETBACKS)**

| | APPROVED | DENIED | ABSENT |
|---|---|---|---|
| Jonathan Swain, Chair | X | | |
| Sheila O'Grady | X | | |
| Sam Toia | X | | |

**THE VOTE (FRONT SETBACK)**

| | APPROVED | DENIED | ABSENT |
|---|---|---|---|
| Jonathan Swain, Chair | | X | |
| Sheila O'Grady | | X | |
| Sam Toia | | X | |

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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 July 17, 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

[redacted]

WHEREAS, Mr. Paul Kolpak, counsel for the Applicants, explained the history of the affected property and the underlying nature of the relief sought; that the Applicants were requesting a variation to reduce the front setback from 21.8' to 9.92', to reduce the east side setback from 4' to 2.59' and to reduce the combined side yard setback from 10' 8" to 7' 1"; that said variation was for a proposed second-floor addition, a front open porch, a rear open deck, and a deck connecting the front porch and rear deck along the west side of the existing two-story, single-family residence; that this is essentially a wraparound porch; that the existing rear detached two-car garage on the subject property will remain; and

WHEREAS, Mr. James Greco, one of the Applicants, testified on behalf of the application; that he and his wife Roseann reside at the subject property; that he and his wife have two children; that the existing home on the subject property is currently slightly under 1200 square feet and is a two-bedroom home; that the Applicants would like to expand their family and therefore need extra space; that if the Board should grant the requested variation, the Applicants would be putting approximately $100,000 into the subject property; that his wife is a schoolteacher and teaches at a school approximately two (2) blocks from the subject property; that therefore, it is his intention to stay in the neighborhood; and

WHEREAS, the Board inquired as to what was the Applicants' hardship; and

WHEREAS, Mr. Kolpak stated the Applicants' hardship was the fact that the existing home was built in the 1920s; that the home cannot sustain a family of four (4) or, if it can sustain, it will be difficult; and

WHEREAS, the Board inquired if the front setback reduction was for the proposed front porch; and

WHEREAS, Mr. Kolpak stated that this was correct; and

WHEREAS, in response to further questions by the Board, Mr. Robert Kozlowski, the Applicants' architect, testified on behalf of the application; that the request for the east side setback reduction is to match the existing condition of the subject property as the existing home's east wall is currently set back 2.59' from the east property line; that the request for the front setback reduction was for the stairs for the proposed front porch; that no setback relief is needed for the wraparound porch; that setback relief is needed only for the proposed front porch and proposed addition; and

WHEREAS, Mr. Kozlowski further testified that existing home is an old home and needs a lot of interior and exterior work; that the proposed addition will bring the existing home up to date with respect to both the exterior look of the home and the interior bathrooms; that in general, the proposed addition will enhance the neighborhood; that the variation, if granted, will not alter the essential character of the neighborhood; that the practical difficulty and hardship has not been created by any person having any interest in the property; that the granting of the variation will not be detrimental to the public

welfare or injurious to other property and improvements to the neighborhood; that the proposed variation will not impair an adequate supply of light near to the adjacent property or substantially increase 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; and

WHEREAS, Mr. Albert Gettler, of 6648 W. Hayes, testified in objection to the application; that he then inquired if any cantilever was being done on the existing building; and

WHEREAS, Mr. Kolpak stated that no cantilever was being done on the existing building; and

WHEREAS, Mr. Gettler further testified that the proposed front porch will obstruct street visibility as it will be "sticking out further"; that the approach coming from either direction could be impaired; that children ride their bikes up and down West Hayes; that there is no stop sign eastbound from Hayes going towards Normandy in either direction and he has seen children fly through there; that he does not understand the west deck between the two buildings; and

WHEREAS, the Board informed Mr. Gettler that since the subject property was located in a RS-2 zoning district, the side porch could be built as of right; and

WHEREAS, in response further questions by the Board, Mr. Kozlowski further testified that there would be no cantilever; that the proposed front porch does stick out further than most of the homes on the block by about six to eight feet (6'-8'); and

WHEREAS, Mr. Gettler inquired as to how large the side porch would be; and

WHEREAS, Mr. Kozlowski testified that the side porch would be six feet (6') wide; and

WHEREAS, Mr. Gettler stated that such a side porch would encroach; and

WHEREAS, Mr. Kolpak clarified the side porch would not encroach; and

WHEREAS, the Board stated it did not believe Mr. Gettler meant "encroach" as a zoning term; and

WHEREAS, the Board then asked Mr. Kozlowski to indicate on pictures where the proposed side porch would extend; and

WHEREAS, Mr. George Blakemore testified in objection to the application; that he stated the Applicants had not provided a hardship; and

WHEREAS, the Board asked Mr. Kolpak to state the hardship of the subject property; and

WHEREAS, Mr. Kolpak stated that the existing home is currently under 1200 square feet; that the Applicants purchased the subject property prior to having a family; that currently, the Applicants have two children; that the existing home has two bedrooms; that the Applicants would like to increase their family and therefore need a bigger home; and

WHEREAS, in response to further questions by the Board, Mr. Kolpak clarified that the hardship with respect to the subject property is the existing building as the existing building's east wall is already set 2.59' off the east property line; that it is smarter to build a second story addition on the existing building walls; and

WHEREAS, the Board stated that it understood the subject property's hardship with respect to the east side setback but that it did not understand how the lack of a front porch constituted a hardship; and

WHEREAS, Mr. Kozlowski conceded that the lack of a front porch was not a hardship; and

WHEREAS, the Board stated that if there were no hardship with respect to front setback, the Applicants' request for a front setback reduction to permit the front porch could not be granted; and

WHEREAS, Mr. Kozlowski stated the Applicants wanted a front porch so they could sit with their children and watch their children play; and

WHEREAS, the Board inquired to Mr. Greco as to what would happen if the Board granted the Applicants' ability to build an addition but not a front porch; and

WHEREAS, Mr. Greco testified that he and his wife really wanted a front porch; and

WHEREAS, the Board stated that the Applicants' architect had conceded that a lack front porch is not a hardship; that the Board understood the hardship with respect to the east side setback but it had questions regarding the sufficiency of hardship with respect to the front setback; and

WHEREAS, Mr. Greco further testified that he could go without the front porch if he had to; that the Applicants could do without it; and

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

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 this Zoning Ordinance, and the Board being fully advised, hereby makes the following findings with reference to the Applicant's application for a variation:

1. The Board finds that pursuant to 17-13-1107-A that the Applicants have proved their case by testimony and other evidence that a practical difficulty or particular hardship exists regarding the proposed use of the property should the requirements of this Zoning Ordinance be strictly complied with respect to the east side and combined side yard setbacks. However, the Board finds that pursuant to the 17-13-1107-A that the Applicants have not proved their case by testimony and other evidence that a practical difficulty or particular hardship exists regarding the proposed use of the property should the requirements of this Zoning Ordinance be strictly complied with respect to the front setback.

2. The Board finds that pursuant to 17-13-1107-B that the Applicants have proved by testimony and other evidence that: (1) whether or not the property can yield a reasonable return is not material as the Applicants intends to continue to own and reside at the subject property; (2) the practical difficulty or particular hardship with respect to the east side and combined side yard setbacks is due to the east wall of the Applicants' home currently set only 2.59' off of the east property line and (3) since the east side and combined side yard reduced setback currently exists on the subject property, the requested reduction will not alter the essential character of the neighborhood. However, with respect to the request for front setback relief, the Board finds that there is no practical difficulty or particular hardship. The Applicants, by their own admission and that of their architect, simply desire a front porch. Further, the request for front setback relief will alter the essential character of the neighborhood as, according to Mr. Kozlowski's testimony, the proposed front porch will stick out six to eight feet (6' to 8') more than the other front porches on the block.

3. The Board, in making its determination pursuant to 17-13-1107-C that a practical difficulty or particular hardship exists with respect to the request to reduce the east and combined side yard setbacks, took into account that evidence was presented that: (1) the fact the existing home is currently set back 2.59' from the east property line results in particular hardship upon the Applicant if the strict letter of the Zoning Ordinance were carried out with respect to the second floor addition as otherwise the Applicant could not build upon the walls of the existing home; (2) the reduced east and side yard setbacks of the existing home on the subject property is a condition not generally applicable to other property in a RS-2 zoning district; (3) as the Applicants will continue to own and reside at the subject property, profit is not the sole motive for the application; (4) the Applicants did not create the hardship in question as they did not build the existing building on the subject property as the existing building was built in the 1920s; (5) the variation being granted will not be detrimental to the public welfare or injurious to other property; and (6) the variation 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. However, with respect to the request to reduce the front setback, the Board took into account that evidence was presented that the Applicants' lack of a front porch is merely an inconvenience rather than a particular hardship. In particular, the Board notes that Mr. Greco testified he go without the front porch.

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

RESOLVED, the aforesaid variation for the reduction to the east side and combined side setbacks is hereby approved and the Zoning Administrator is authorized to permit said east and combined side setback variation.

RESOLVED, the Board finds the Applicants have not sufficiently established by testimony and other evidence covering the specific criteria for a variation for the front setback to be granted pursuant to Section 17-13-1107-A, B and C of the Chicago Zoning Ordinance.

RESOLVED, the aforesaid variation application for the front setback reduction is hereby 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**

**APPLICANT:** Bryn Mawr Care, LLC **CAL NO.:** 261-15-S

**APPEARANCE FOR:** William Banks **MINUTES OF MEETING:** July 17, 2015

**APPEARANCE AGAINST:** George Blakemore

**PREMISES AFFECTED:** 5547 N. Kenmore Avenue

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval to expand an existing nursing home (skilled nursing care) facility with the addition of a seven-story stairwell; as a result, the unit capacity will be reduced from 78 to 72 units.

**ACTION OF BOARD-**
APPLICATION APPROVED

**THE VOTE**

| | AFFIRMATIVE | NEGATIVE | ABSENT |
|---|---|---|---|
| JONATHAN SWAIN | X | | |
| SOL FLORES | | | X |
| SHEILA O'GRADY | X | | |
| SAM TOIA | X | | |

AUG 2 6 2015
CITY OF CHICAGO

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 17, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 2, 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 application for special use; the applicant shall be permitted to expand an existing nursing home by adding a seven-story stairwell to the existing building; the expansion will result in the reduction of units for the nursing home; 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 Legat Architects and dated June 10, 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:** Baderbrau, LLC **CAL NO.:** 262-15-S

**APPEARANCE FOR:** William Banks **MINUTES OF MEETING:** July 17, 2015

**APPEARANCE AGAINST:** George Blakemore

**PREMISES AFFECTED:** 2515 S. Wabash Avenue

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval to establish a 4,358 square foot tavern, which is no greater than 10% (358 square feet) larger than what would otherwise be permitted (4,000 square feet).

**ACTION OF BOARD-**
APPLICATION APPROVED

AUG 2 6 2015
CITY OF CHICAGO

**THE VOTE**

| | AFFIRMATIVE | NEGATIVE | ABSENT |
|---|---|---|---|
| JONATHAN SWAIN | X | | |
| SOL FLORES | | | X |
| SHEILA O'GRADY | X | | |
| SAM TOIA | X | | |

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 17, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 2, 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 application for special use; the applicant shall be permitted to establish a 4,358 square foot tavern which is no greater than 10% (358 square feet) larger than what would otherwise be permitted (4,000 square feet) 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 consistent with the design, layout and plans prepared by K2 Studio

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:** HSC Realty, LLC **CAL NO.:** 263-15-S

**APPEARANCE FOR:** **MINUTES OF MEETING:** July 17, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 1308 N. LaSalle Street, Unit 1

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of one vacation rental unit on the first floor of an existing, four-story, four-unit building.

**ACTION OF BOARD-**
CASE CONTINUED TO OCTOBER 16, 2015

**THE VOTE**

AUG 2 6 2015
CITY OF CHICAGO

| | AFFIRMATIVE | NEGATIVE | ABSENT |
|---|---|---|---|
| JONATHAN SWAIN | X | | |
| SOL FLORES | | | X |
| SHEILA O'GRADY | X | | |
| SAM TOIA | X | | |

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

**APPLICANT:** HSC Realty, LLC **CAL NO.:** 264-15-S

**APPEARANCE FOR:** **MINUTES OF MEETING:** July 17, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 1308 N. LaSalle Street, Unit 2

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of one vacation rental unit on the second floor of an existing, four-story, four-unit building.

**ACTION OF BOARD-**
CASE CONTINUED TO OCTOBER 16, 2015

AUG 26 2015
CITY OF CHICAGO

**THE VOTE**

| | AFFIRMATIVE | NEGATIVE | ABSENT |
|---|---|---|---|
| JONATHAN SWAIN | X | | |
| SOL FLORES | | | X |
| SHEILA O'GRADY | X | | |
| SAM TOIA | X | | |

APPROVED AS TO SUBSTANCE
CHAIRMAN

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

**APPLICANT:** HSC Realty, LLC **CAL NO.:** 265-15-S

**APPEARANCE FOR:** **MINUTES OF MEETING:** July 17, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 1308 N. LaSalle Street, Unit 3

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of one vacation rental unit on the third floor of an existing, four-story, four-unit building.

**ACTION OF BOARD-**
CASE CONTINUED TO OCTOBER 16, 2015

**THE VOTE**

AUG 2 6 2015
CITY OF CHICAGO

| | AFFIRMATIVE | NEGATIVE | ABSENT |
|---|---|---|---|
| JONATHAN SWAIN | X | | |
| SOL FLORES | | | X |
| SHEILA O'GRADY | X | | |
| SAM TOIA | X | | |

APPROVED AS TO SUBSTANCE
CHAIRMAN

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

**APPLICANT:** HSC Realty, LLC **CAL NO.:** 266-15-S

**APPEARANCE FOR:** **MINUTES OF MEETING:** July 17, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 1308 N. LaSalle Street, Unit 4

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of one vacation rental unit on the fourth floor of an existing, four-story,four-unit building.

**ACTION OF BOARD-**
CASE CONTINUED TO OCTOBER 16, 2015

AUG 2 6 2015
CITY OF CHICAGO

**THE VOTE**

| | AFFIRMATIVE | NEGATIVE | ABSENT |
|---|---|---|---|
| JONATHAN SWAIN | X | | |
| SOL FLORES | | | X |
| SHEILA O'GRADY | X | | |
| SAM TOIA | X | | |

APPROVED AS TO SUBSTANCE
CHAIRMAN

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

**APPLICANT:** Surestaff, Inc. **CAL NO.:** 267-15-S

**APPEARANCE FOR:** William Banks **MINUTES OF MEETING:** July 17, 2015

**APPEARANCE AGAINST:** George Blakemore

**PREMISES AFFECTED:** 2086 N. Milwaukee Avenue

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a day labor employment agency.

**ACTION OF BOARD-**
APPLICATION APPROVED

**THE VOTE**

AUG 2 6 2015
CITY OF CHICAGO

| | AFFIRMATIVE | NEGATIVE | ABSENT |
|---|---|---|---|
| JONATHAN SWAIN | X | | |
| SOL FLORES | | | X |
| SHEILA O'GRADY | X | | |
| SAM TOIA | X | | |

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 17, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 2, 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 application; the applicant shall be permitted to establish a day labor employment agency 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:** John Ehrlich **CAL NO.:** 268-15-Z

**APPEARANCE FOR:** Same **MINUTES OF MEETING:** July 17, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 520 W. Barry Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the north rear wall setback from a side property line from 10' to 3.5' and to reduce the south end wall setback from a side property line from 3' to 0' for a 10.88' solid, masonry wall to be established along the rear of the property, for an 8.67' solid, cedar fence to be established along a portion of the southern property line and for a 10.83' solid cedar fence to be established along a portion of the northern property line of an existing two-story townhouse in a 12 unit town house complex.

**ACTION OF BOARD-**
VARIATION GRANTED

AUG 26 2015
CITY OF CHICAGO

**THE VOTE**

| | AFFIRMATIVE | NEGATIVE | ABSENT |
|---|---|---|---|
| JONATHAN SWAIN | X | | |
| SOL FLORES | | | X |
| SHEILA O'GRADY | X | | |
| SAM TOIA | X | | |

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 17, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 2, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant in this matter testified that fences that have been constructed are needed for safety purposes; the applicant has submitted evidence that there are safety concerns at the subject site; the Board will permit the applicant to reduce the north rear wall setback from a side property line to 3.5' and to reduce the south end wall setback from a side property line to 0' for a 10.88' solid, masonry wall to be established along the rear of the property, for an 8.67' solid, cedar fence to be established along a portion of the southern property line and for a 10.83' solid cedar fence to be established along a portion of the northern property line of an existing two-story townhouse in a 12 unit town house complex; 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:** Gricel Gonzalez **CAL NO.:** 269-15-S

**APPEARANCE FOR:** **MINUTES OF MEETING:** July 17, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 4457 S. Archer Avenue

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a day labor employment agency.

**ACTION OF BOARD-**
CASE CONTINUED TO OCTOBER 16, 2015

**THE VOTE**

| | AFFIRMATIVE | NEGATIVE | ABSENT |
|---|---|---|---|
| JONATHAN SWAIN | X | | |
| SOL FLORES | | | X |
| SHEILA O'GRADY | X | | |
| SAM TOIA | X | | |

AUG 2 6 2015
CITY OF CHICAGO

APPROVED AS TO SUBSTANCE
CHAIRMAN

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

**APPLICANT:** Intercultural Montessori Foreign Language Immersion School **CAL NO.:** 270-15-S

**APPEARANCE FOR:** Carol Stubblefield **MINUTES OF MEETING:** July 17, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 114 S. Racine Avenue

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

**ACTION OF BOARD-**
APPLICATION APPROVED

**THE VOTE**

AUG 26 2015
CITY OF CHICAGO

| | AFFIRMATIVE | NEGATIVE | ABSENT |
|---|---|---|---|
| JONATHAN SWAIN | X | | |
| SOL FLORES | | | X |
| SHEILA O'GRADY | X | | |
| SAM TOIA | X | | |

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 17, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 2, 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 the existing 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):

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:** The Cermak Group, Ltd. **CAL NO.:** 271-15-S

**APPEARANCE FOR:** **MINUTES OF MEETING:** July 17, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 1300-16 W. Cermak Road

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a one-story restaurant with one drive-through lane.

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

AUG 26 2015
CITY OF CHICAGO

**THE VOTE**

| | AFFIRMATIVE | NEGATIVE | ABSENT |
|---|---|---|---|
| JONATHAN SWAIN | X | | |
| SOL FLORES | | | X |
| SHEILA O'GRADY | X | | |
| SAM TOIA | X | | |

APPROVED AS TO SUBSTANCE

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

**APPLICANT:** 1300 W. Devon Partners, LLC **CAL NO.:** 272-15-Z

**APPEARANCE FOR:** Mariah Digrino **MINUTES OF MEETING:** July 17, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 6355 N. Wayne 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 22.03' for a proposed, three-story, six-unit building with five, surface, parking spaces and commercial/retail space on the ground floor.

**ACTION OF BOARD-**
VARIATION GRANTED

AUG 2 6 2015
CITY OF CHICAGO

**THE VOTE**

| | AFFIRMATIVE | NEGATIVE | ABSENT |
|---|---|---|---|
| JONATHAN SWAIN | X | | |
| SOL FLORES | | | X |
| SHEILA O'GRADY | X | | |
| SAM TOIA | X | | |

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 17, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 2, 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 22.03' for a proposed, three-story, six-unit building with five, surface, parking spaces and commercial/retail space on the ground floor; an additional variation was granted in Cal. No. 273-15-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:** 1300 W. Devon Partners, LLC **CAL NO.:** 273-15-Z

**APPEARANCE FOR:** Mariah Digrino **MINUTES OF MEETING:** July 17, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 6355 N. Wayne Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the required, accessory parking spaces from six to five for a proposed, three-story, six-unit building with five, surface, parking spaces and commercial/retail space on the ground floor.

**ACTION OF BOARD-**
VARIATION GRANTED

AUG 2 6 2015
CITY OF CHICAGO

**THE VOTE**

| | AFFIRMATIVE | NEGATIVE | ABSENT |
|---|---|---|---|
| JONATHAN SWAIN | X | | |
| SOL FLORES | | | X |
| SHEILA O'GRADY | X | | |
| SAM TOIA | X | | |

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 17, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 2, 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 required, accessory parking spaces from six to five for a proposed, three-story, six-unit building with five, surface, parking spaces and commercial/retail space on the ground floor; an additional variation was granted in Cal. No. 273-15-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:** 1300 W. Devon Partners, LLC **CAL NO.:** 274-15-Z

**APPEARANCE FOR:** Mariah Digrino **MINUTES OF MEETING:** July 17, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 6354 N. Lakewood 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 22.03' for a proposed, three-story, six-unit building with five, surface, parking spaces and commercial/retail space on the ground floor.

**ACTION OF BOARD-**
VARIATION GRANTED

AUG 2 6 2015
CITY OF CHICAGO

**THE VOTE**

| | AFFIRMATIVE | NEGATIVE | ABSENT |
|---|---|---|---|
| JONATHAN SWAIN | X | | |
| SOL FLORES | | | X |
| SHEILA O'GRADY | X | | |
| SAM TOIA | X | | |

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 17, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 2, 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 22.03' for a proposed, three-story, six-unit building with five, surface, parking spaces and commercial/retail space on the ground floor; an additional variation was granted in Cal. No. 275-15-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:** 1300 W. Devon Partners, LLC **CAL NO.:** 275-15-Z

**APPEARANCE FOR:** Mariah Digrino **MINUTES OF MEETING:** July 17, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 6354 N. Lakewood Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the required, accessory parking spaces from six to five for a proposed, three-story, six-unit building with five, surface, parking spaces and commercial/retail space on the ground floor.

**ACTION OF BOARD-**
VARIATION GRANTED

AUG 2 6 2015
CITY OF CHICAGO

**THE VOTE**

| | AFFIRMATIVE | NEGATIVE | ABSENT |
|---|---|---|---|
| JONATHAN SWAIN | X | | |
| SOL FLORES | | | X |
| SHEILA O'GRADY | X | | |
| SAM TOIA | X | | |

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 17, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 2, 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 required, accessory parking spaces from six to five for a proposed, three-story, six-unit building with five, surface, parking spaces and commercial/retail space on the ground floor; an additional variation was granted to the subject site in Cal. No. 274-15-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:** Michael Verdone **CAL NO.:** 276-15-S

**APPEARANCE FOR:** **MINUTES OF MEETING:** July 17, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 55 East Cedar, Unit 1

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a vacation rental unit on the first floor of an existing, three-story, three-unit building.

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

**THE VOTE**

AUG 2 6 2015
CITY OF CHICAGO

| | AFFIRMATIVE | NEGATIVE | ABSENT |
|---|---|---|---|
| JONATHAN SWAIN | X | | |
| SOL FLORES | | | X |
| SHEILA O'GRADY | X | | |
| SAM TOIA | X | | |

APPROVED AS TO SUBSTANCE
CHAIRMAN

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

**APPLICANT:** Michael Verdone **CAL NO.:** 277-15-S

**APPEARANCE FOR:** **MINUTES OF MEETING:** July 17, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 55 E. Cedar Street, Unit Two

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a vacation rental unit on the second floor of an existing, three-story, three-unit building.

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

AUG 2 6 2015
CITY OF CHICAGO

**THE VOTE**

| | AFFIRMATIVE | NEGATIVE | ABSENT |
|---|---|---|---|
| JONATHAN SWAIN | X | | |
| SOL FLORES | | | X |
| SHEILA O'GRADY | X | | |
| SAM TOIA | X | | |

APPROVED AS TO SUBSTANCE
CHAIRMAN

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

**APPLICANT:** Michael Verdone **CAL NO.:** 278-15-S

**APPEARANCE FOR:** **MINUTES OF MEETING:** July 17, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 55 E. Cedar Street, Unit Three

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a vacation rental unit on the third floor of an existing, three-story, three-unit building.

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

**THE VOTE**

AUG 2 6 2015
CITY OF CHICAGO

| | AFFIRMATIVE | NEGATIVE | ABSENT |
|---|---|---|---|
| JONATHAN SWAIN | X | | |
| SOL FLORES | | | X |
| SHEILA O'GRADY | X | | |
| SAM TOIA | X | | |

APPROVED AS TO SUBSTANCE
CHAIRMAN

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

**APPLICANT:** SRD Holdings, LLC Series 2054 Chicago, LLC **CAL NO.:** 279-15-Z

**APPEARANCE FOR:** Nick Ftikas **MINUTES OF MEETING:** July 17, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2054 W. Chicago 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 2,964 square feet is no less than 90% of the required 3,000 square feet for a proposed, four-story, three-unit building with ground floor commercial/retail space and three enclosed parking spaces

**ACTION OF BOARD-**
VARIATION GRANTED

AUG 2 6 2015
CITY OF CHICAGO

**THE VOTE**

| | AFFIRMATIVE | NEGATIVE | ABSENT |
|---|---|---|---|
| JONATHAN SWAIN | X | | |
| SOL FLORES | | | X |
| SHEILA O'GRADY | X | | |
| SAM TOIA | X | | |

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 17, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 2, 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 develop a lot whose minimum area of 2,964 square feet is no less than 90% of the required 3,000 square feet for a proposed, four-story, three-unit building with ground floor commercial/retail space and three enclosed 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:** Jeffrey Granich **CAL NO.:** 280-15-Z

**APPEARANCE FOR:** Nick Ftikas **MINUTES OF MEETING:** July 17, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2243 W. Erie Street

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the front setback from 14.89' to 12.43'; to reduce the west side setback from 2' to 0.01'; and, to reduce the combined side setback from 4.8' to 2.69'; and, to reduce the alley parking access setback from 2' to 0.72' for a proposed, two-story, rear addition with a rear, open deck, a roofdeck and a front enclosed porch added to an existing two-story single family residence; an existing, rear detached two-car garage will remain and become a legalized accessory structure.

**ACTION OF BOARD-**
VARIATION GRANTED

AUG 2 6 2015
CITY OF CHICAGO

**THE VOTE**

| | AFFIRMATIVE | NEGATIVE | ABSENT |
|---|---|---|---|
| JONATHAN SWAIN | X | | |
| SOL FLORES | | | X |
| SHEILA O'GRADY | X | | |
| SAM TOIA | X | | |

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 17, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 2, 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 12.43'; to reduce the west side setback to 0.01'; and, to reduce the combined side setback to 2.69'; and, to reduce the alley parking access setback to 0.72' for a proposed, two-story, rear addition with a rear, open deck, a roofdeck and a front enclosed porch added to an existing two-story single family residence; an existing, rear detached two-car garage will remain and become a legalized accessory structure; 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:** Elim Romanian Pentacostal Church **CAL NO.:** 281-15-Z

**APPEARANCE FOR:** Nick Ftikas **MINUTES OF MEETING:** July 17, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 4854 N. Bernard 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 41,148 square feet by no more than 15% (880 square feet) for a proposed, two-story addition to an existing religious assembly facility.

**ACTION OF BOARD-**
VARIATION GRANTED

AUG 2 6 2015

CITY OF CHICAGO

**THE VOTE**

| | AFFIRMATIVE | NEGATIVE | ABSENT |
|---|---|---|---|
| JONATHAN SWAIN | X | | |
| SOL FLORES | | | X |
| SHEILA O'GRADY | X | | |
| SAM TOIA | X | | |

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 17, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 2, 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 41,148 square feet by no more than 15% (880 square feet) for a proposed, two-story addition to an existing religious assembly facility; 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:** 3201-03 W. Armitage Corporation **CAL NO.:** 282-15-S

**APPEARANCE FOR:** Sara Barnes **MINUTES OF MEETING:** July 17, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1946 N. Kedzie Avenue

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval to expand an existing residential use below the second floor in an existing, two-story coach house.

**ACTION OF BOARD-**
VARIATION GRANTED

**THE VOTE**

AUG 2 6 2015
CITY OF CHICAGO

| | AFFIRMATIVE | NEGATIVE | ABSENT |
|---|---|---|---|
| JONATHAN SWAIN | X | | |
| SOL FLORES | | | X |
| SHEILA O'GRADY | X | | |
| SAM TOIA | X | | |

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 17, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 2, 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 the existing residential use below the second floor in the existing two-story coach house at the subject site; the subject site; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE
CHAIRMAN

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

**APPLICANT:** Jorge Marban **CAL NO.:** 283-15-S

**APPEARANCE FOR:** Mark Kupiec **MINUTES OF MEETING:** July 17, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 6260 W. Grand Avenue

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a 13-space, off-site, accessory, parking lot to serve a proposed, 298-person capacity, indoor, soccer facility to be located at 6310 W. Grand Avenue.

**ACTION OF BOARD-**
APPLICATION APPROVED

**THE VOTE**

AUG 2 6 2015
CITY OF CHICAGO

| | AFFIRMATIVE | NEGATIVE | ABSENT |
|---|---|---|---|
| JONATHAN SWAIN | X | | |
| SOL FLORES | | | X |
| SHEILA O'GRADY | X | | |
| SAM TOIA | X | | |

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 17, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 2, 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 3-space, off-site, accessory, parking lot to serve a proposed, 298-person capacity, indoor, soccer facility to be located at 6310 W. Grand Avenue ;expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The development is consistent with the design, layout and plans prepared by George Simoulis and dated March 2, 2015

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:** Jorge Marban **CAL NO.:** 8-15-Z

**APPEARANCE FOR:** Mark Kupiec **MINUTES OF MEETING:** July 17, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 6310 West Grand Avenue

**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 license for a proposed indoor soccer facility located within 125' of an RS-3 Residential Single-Unit (Detached House) District.

**ACTION OF BOARD-**
APPLICATION APPROVED

**THE VOTE**

AUG 2 6 2015
CITY OF CHICAGO

| | AFFIRMATIVE | NEGATIVE | ABSENT |
|---|---|---|---|
| JONATHAN SWAIN | X | | |
| SOL FLORES | | | X |
| SHEILA O'GRADY | X | | |
| SAM TOIA | X | | |

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 17, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 1, 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 for a proposed indoor soccer facility located within 125' of an RS-3 Residential Single-Unit (Detached House) District; a special use was also granted to the applicant in Cal. No. 283-15-S to establish 13- off-site accessory parking spaces to serve the indoor soccer facility to be established at this location; 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:** S. Bar Sinister, LLC **CAL NO.:** 15-15-S

**APPEARANCE FOR:** Scott Borstein **MINUTES OF MEETING:** July 17, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1238-1300 North Kostner Avenue

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

**ACTION OF BOARD-**
APPLICATION APPROVED

**THE VOTE**

AUG 2 6 2015
CITY OF CHICAGO

| | AFFIRMATIVE | NEGATIVE | ABSENT |
|---|---|---|---|
| JONATHAN SWAIN | X | | |
| SOL FLORES | | | X |
| SHEILA O'GRADY | X | | |
| SAM TOIA | X | | |

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on July 17, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 1, 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 the existing class IV-B recycling facility at the subject site; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

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

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

APPROVED AS TO SUBSTANCE
CHAIRMAN

**ZONING BOARD OF APPEALS**
**CITY OF CHICAGO**

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



**Inna Elterman**
APPLICANT

**118-15-Z & 119-15-Z**
CALENDAR NUMBERS

**1532 North Wieland Street**
PREMISES AFFECTED

**April 17, 2015 & July 17, 2015**
HEARING DATES

Nick Ftikas
APPEARANCE FOR APPLICANT

Sanford Stein
APPEARANCE FOR OBJECTOR

**NATURE OF REQUESTS**

Application for a variation to reduce the front setback from 12.27' to 6'; to reduce the front obstruction setback from 20' to 12.33'; to reduce the rear yard setback from 28.63' to 8'; to reduce the north side setback from 2' to 0'; and to reduce the south side setback from 2' to 0.33'; to reduce the combined side setback from 5' to 0.33' for a proposed, four-story single family residence with a below-grade, two-car garage, accessed directly from North Wieland Street.

Application for a variation to increase the 45' building height maximum by no more than 10% (4.5') for a proposed, four-story single-family residence with a below-grade, two-car garage, accessed directly from North Wieland Street.

**ACTION OF BOARD**

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

**THE VOTE**

| | AFFIRMATIVE | NEGATIVE | ABSENT |
|---|---|---|---|
| Jonathan Swain, Chair | x | | |
| Sheila O'Grady | x | | |
| Sam Toia | x | | |

## THE RESOLUTION OF THE BOARD

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals ("Board") at its regular meetings held on April 17, 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*, May 15, 2015 and July 17, 2015; and

WHEREAS, Mr. Nick Ftikas, counsel for the Applicant, explained the history of the subject property and the underlying basis for the relief sought; that the Applicant owns

[redacted]
CHAIRMAN

the subject property; that the subject property is currently improved with a two-and-a-half story, single-family home; that the Applicant and her husband are proposing to raze the structure and redevelop the subject property with a new, single-family home; that the subject property is only 102' deep; that this is nearly 23' shorter than a standard city lot; that in addition, the subject property does not have adequate access to the rear alley; that the 8' alley that runs behind the 1500 block of North Wieland dead ends right at the Applicant's property line; that therefore, the Applicant requests variations to reduce the front, side, and rear yard setback as well as variations to reduce the open space requirement and increase the allowable building height; and

WHEREAS, Ms. Inna Elterman testified on behalf of the application; that she is the Applicant and owns the subject property; that the subject property is 25' x 102'; that therefore the subject property is a short lot; that the lot is currently improved with a two-and-a-half story, single-family home; that the Applicant plans to raze said home and redevelop the property with a new single-family home; that she is familiar with the neighborhood as she has lived down the street from the subject property at 1442 N. Wieland for the last six (6) years; that during this six (6) year period, she has developed personal relationships with other homeowners in the neighborhood; that the 1500 block of North Wieland is within walking distance to her children's school; that this is therefore a part of the City she is accustomed to and a place where she and her husband want to stay and raise their family; that the proposed new home will be four (4) stories in height; that the proposed home will have a two-car garage that will be accessed from the front of the subject property; that the basement level of the proposed home will contain a storage room and a recreation room; that the first floor of the proposed home will be the primary living space with a living room, dining room, and kitchen; that the second and third floor of the proposed home will contain the home's bedrooms; that the fourth floor of the proposed home will contain a second recreation area and provide access to the two of the home's outdoor terraces; that the Applicant faces two (2) significant hardships with the subject property; that the first hardship is the fact that the lot is only 102' deep; that the second hardship is that there is no rear alley behind the subject property; that instead, the Applicant has an 8' alley that runs down this portion of Wieland and dead ends right at the subject property; and

WHEREAS, Ms. Elterman further testified that given these particular issues with the subject property, the design of her home requires zoning relief; that specifically she is seeking a variation: (1) reduce the front setback from the required 12.27' to 6'; (2) reduce the required front obstruction setback from 20' to 12.33'; (3) to reduce the north side setback from the required 2' to 0'; (4) to reduce the south side setback from the required 2' to .33'; (5) to reduce the combined side yard setback from the required 5' to .25'; (6) to reduce the rear yard setback from the required 28.63' to .25'; (7) to reduce the required rear yard open space from 134.02 square feet to 0 square feet; and (8) to increase the allowable building height from 45' to 49' 6"; and

WHEREAS, Ms. Elterman then testified that with respect to the front setback, the current home on the subject property sits at the front property line; that the Applicant's plan of development would be to set the new home back 12' 4" from the front property

line, which would be an improvement of the existing condition on the subject property; that the plan of development regarding the front setback would also be more consistent with the front setback of both immediate neighbors of the subject property; that the front setback reduction is required to permit the front stairs which will lead up to the proposed home's first floor; that the front stairs are over 6' in height which is what necessitates the request for front setback relief; that with respect to the request for the front obstruction setback reduction, said request is necessary so that the garage will line up with the front building wall of the proposed home; that requested relief is the direct result of the short lot depth of the subject property and the lack of an alley behind the subject property; that this design allows the Applicant to have a functional floor plan for both the basement and the home's first level; that with respect to the side setbacks, her proposed plan of development favors the south side of the lot; that many of the other homes on Wieland also favor the south side property line, including the currently existing home on the subject property; that with respect to the north side setback, the requested reduction will allow for a staircase to be located at the rear of the lot; that the remainder of the home will be set back 3' from the north property line; that the setbacks created by the proposed home are consistent with the existing conditions on the subject property and are also consistent with the general pattern of development on Wieland; that the rear setback request will allow the Applicant to use the lot depth of the subject property; that in order to minimize any impact that this request for reduction of the rear setback will create, the proposed plan of development will tier the rear of the proposed home; that therefore, the rear of the fourth floor will be set back 30' 9" from the rear property line; that the rear of the second and third floors will be set back 25' 7"; that the rear of the second floor would be in line with the next neighbor south; that due to the tiering, the entire home will not protrude back to the rear property line; and

WHEREAS, Ms. Elterman then testified that the proposed home stops short of the rear setback and functions essentially with a storage room at the back of the lot; that said storage room would be accessed from outside of the proposed house; that one cannot walk into the storage room from inside the proposed house; that the storage room will function like a garage without the parking space; that therefore the rear of the proposed home is about 16' short of the rear property line; that due to the short lot, the proposed home cannot accommodate rear yard open space; that instead the proposed home calls for open terraces that will function as the proposed home's outdoor space; that the front terrace will be accessed from the fourth floor and contain about 500 square feet of open space; that there will also be smaller terraces in the rear of the fourth and second floors; that there will also be another 275 square feet of open space due to a terrace off of the rear of the home's first floor; that there will be plenty outdoor space for her and her family to use and enjoy; that request for an increase in height is required to accommodate the height requirement of the front garage; that this height requirement takes into account the slope of the driveway to get to the front garage; that because of the front garage, the proposed first floor of the home will start at over 8.5' above grade; that the other floors follow in order; that to mitigate and soften any potential impact for the increase, the proposed home will be located 12' 4" off of the front property line; that the proposed home will be a three-story home with setback roof access rather than a true four-story home; that there are several four-story buildings on the block; that therefore, the design

of the proposed home is not out of character with the current improvements on the subject property or in the immediate area; that she and her husband are budgeting upward of $3 million to make the proposed home a reality; that therefore, she and her husband are making a significant investment and will live in the proposed home for many years to come; that she has met with many of the neighbors on Wieland; that she obtained letters of support from the subject property's immediate neighbors on Wieland; that she is not aware of any objections of the neighbors on Wieland; and

WHEREAS, the letters of support from the subject property's immediate neighbors were received into evidence; and

WHEREAS, Mr. Bill Kokalias testified on behalf of the Applicant; that the Board recognized his credentials as expert in architecture; that he is familiar with the subject property; that he designed the proposed home for the Applicant; that the Applicant is seeking a variation to increase the height of the proposed home by 4.5'; that the reduction in the front setback is really to accommodate the front stairs of the proposed home; that the front building wall of the proposed home will be 12' 4" from the front property line as will the front garage door; that this proposed front setback would be an improvement on the existing front setback of the subject property; that the rear setback request would allow the Applicant to use the rest of the lot; that even with the rear yard setback reduced to 0', the rear part of the proposed home will be tiered; that currently, there is an 11' tall garage at the rear of the property line; that said garage extends over the rear property line; that the proposed home will therefore be an improvement with respect to the rear property line; that the request to reduce the rear yard open space is due to the short lot depth; that if the property had an additional 23', the proposed home could be differently designed; that the requested height increase for the proposed house increases the function of the front garage as it allows the front garage to have a usable driveway; that the front garage is necessary because there is no rear alley for the subject property; that the requested variations will not be detrimental to public welfare or injurious to other properties and improvements in the area; that the requested variations will not cut off light and air to the adjacent properties; that the requested variations will not increase the danger of fire or danger of public safety; that the requested variations will not increase congestion in the public streets; that the requested variations will not substantially diminish the property value of neighboring properties; that the requested variations will not alter the acceptable appearance and character of the locality; and

WHEREAS, Mr. Terrance O'Brien testified on behalf of the Application; that the Board recognized his credentials as an expert in appraisal; that he has physically inspected the subject property and its surrounding area; that his findings are contained in his report on the subject property; his report was submitted and accepted by the Board; and

WHEREAS, Mr. O'Brien then testified that the subject property is a substandard lot with a depth of only 102'; that all the properties along this west side of Wieland are also substandard lots; that the area is undergoing a substantial amount of redevelopment in the form of single family homes and attached townhomes; that on Wieland from Schiller to

the subject property, there are twelve (12) properties with front yard setbacks that do not meet the requirements set forth under this Zoning Ordinance; that in this same block, there are also twelve (12) properties whose front yard garage setbacks do not meet the requirements set forth under this Zoning Ordinance; that there are fourteen (14) properties on this block that do not meet the north side yard setback requirements under this Zoning Ordinance; that there are fourteen (14) properties on this block that do not meet the south side setback requirements under this Zoning Ordinance; that there are seven (7) properties in the area that do not meet the rear yard setback requirements under this Zoning Ordinance; that there are nine (9) properties on the block that do not meet the rear yard open space requirements under this Zoning Ordinance; that there are a total of fourteen (14) properties on the block that are improved with structures that are over four (4) stories in height; that ten (10) of these fourteen (14) properties are improved with four (4) story structures while the remaining four (4) properties are improved with five (5) story structures; that therefore the character of the area is pretty defined; that the variations sought by the Applicant are similar and compatible to the land use in the subject area; that as a result, the proposed development would not have any adverse impact on surrounding property values; that the proposed redevelopment develops the subject property to its highest and best use; that the proposed redevelopment would benefit the City in terms of employment opportunities during construction as well as additional revenue in real estate taxes; that the proposed variations are compatible with the other land uses in the area and would have no adverse impact; and

WHEREAS, Mr. Ftikas stated that the existing garage at the rear of the property allows for no turnability; that to get out of the alley from the existing garage, one would have to put the car in reverse and reverse backward onto North Avenue; that the Applicant's proposed redevelopment of the subject property mirrors the development of the subject property's next neighbor south; and

WHEREAS, Ms. Ruth Harris, of 1533 N. Park Avenue, testified in opposition to the application; that she and her husband are concerned about how the proposed variations will affect the natural light in their backyard as they are both long-time gardeners; and

WHEREAS, Mr. James Harris, of 1533 N. Park Avenue, testified in opposition to the application; that he and his wife live directly behind the subject property; that the Applicant is requesting zoning variations so that she and her husband can build on the north property line, only three inches from the south property line, and three inches from his back property line; that, in effect, this will allow the Applicant to fill the whole lot of the subject property with a building; that the alley stops just short of the subject property to the north; that there is therefore no alley to offer a buffer zone between the property lines of the Applicant's property and their property; that the Applicant's proposed home is so close to the property line it will be impossible for the Applicant to carry out any future maintenance on the back wall of the proposed home without coming onto his property; that having the Applicant's proposed home so close to his property could create a noise problem while he and his wife are enjoying their backyard and are trying to sleep in their back bedrooms; that the Applicant is also requesting a variation to increase the height of the Applicant's proposed home by 4.5'; that the total height of the Applicant's

proposed home would therefore be approximately 50'; that having the Applicant's proposed home so close and so high is totally unacceptable to he and his wife; that he and his wife are gardeners and have won several awards from the City and gardening contests; that the added height and closeness of the Applicant's proposed home will block needed morning sun to he and his wife's garden; that he and his wife enjoy relaxing in their backyard; that having construction towering over he and his wife's home would seriously alter this experience; that he and his wife have owned their home for over thirty-eight (38) years and have made many improvements to their property; that they have always tried to be considerate of their neighbors; that now when they are reaching an age that they might need to sell their home, they are faced with a proposal that would devalue their property; that no other buildings in the immediate area are as tall or as close to the back property lines as the proposed building; that with respect to the application, he objects to the 4" setback from his property line and the additional 4.5' height; and

WHEREAS, Ms. Ruth Harris further testified in objection to the application; that the figures given in Mr. O'Brien's report for non-complying buildings are magnified by the fact that there are no intervening cross-streets between the 1400 and 1600 blocks of both Wieland and North Park Avenues; that the Applicant stated her lot was only 102'; that she and her husband also only have 102'; that the ability to garden in the City is very important; that with the proposed variations, she and her husband will no longer get morning light in their rear yard; that if the proposed addition were 4.5' shorter, this would help; and

WHEREAS, the Board inquired if the Applicant had done a sun study; and

WHEREAS, Mr. Ftikas stated that the Applicant had not done a sun study; that the Applicant's experts could speak to the general analysis done; that Mr. Kokalias had previously testified that the proposed variations would not have a negative impact on the sunlight to the site; and

WHEREAS, the Board inquired as to how Mr. Kokalias could know there would be no negative impact without a sun study; and

WHEREAS, Mr. Kokalias testified that the second and third floors of the building next door to the subject property is sixteen feet (16') from the property line; that the Applicant's proposed addition will be twenty-five and a half feet (25.5') from the property line; that the Applicant actually has an additional nine feet (9') to the east; that the top level on the existing home before was at twenty feet (20') from the property line but the proposed addition's top level will be more like thirty feet (30'); that the sun will impact the Applicant's home as well; that there will be no impact to the neighboring lots in the summer months; and

WHEREAS, Mr. Ftikas stated that the rear setback requirement is 28.63' feet; that the second and third floors will be set back 25' 7"; that effectively, there will be 3' encroachment on the higher levels; that there is an existing, one-story garage that is on

the rear property line; that the Applicant's proposed addition will be very similarly configured; and

WHEREAS, the Board stated that the Applicant's argument is that the Applicant is replicating the current conditions on the lot with the Applicant's proposed first floor; that on every other level, the Applicant is attempting to meet the setback requirement; that this does not resolve the height issue; and

WHEREAS, Mr. Ftikas stated that the Applicant is proposing to build a partial fourth floor, not an extended floor; that said floor is not flush to the front and back; and

WHEREAS, the Board stated that people who live in a house for thirty-eight (38) years have made a tremendous investment; that these people have an added luxury of a garden; that now the Applicants wish to build a house that could impact the Harris' ability to enjoy their home; that this is a serious issue; that it is a very difficult decision for the Board to make, especially as the Applicant does not have a sun study; and

WHEREAS, Mr. Ftikas stated that the Applicant could provide a sun study; that the Applicant believes that the proposed tiering will minimize or mitigate shadow issues; and

WHEREAS, the Board stated that while it understood the Applicant's argument with respect to the tiering, the Applicant had no sun study to actually show the mitigation of the tiering; and

WHEREAS, Mr. Ftikas stated the Applicant would provide a sun study; and

WHEREAS, the Board continued the hearing until May 15, 2015, so that the Applicant could provide a sun study; and

WHEREAS, the Board resumed the hearing on the applications on May 15, 2015; and

WHEREAS, Mr. Sanford Stein, counsel for the Objectors, requested a continuance; as he was newly retained; and

WHEREAS, the Board continued the hearing until July 17, 2015; and

WHEREAS, the Board resumed the hearing on the applications on July 17, 2015; and

WHEREAS, Mr. Ftikas stated that the Applicant had prepared the requested sun study and that said sun study showed no negative impact created by the proposed home; that the Applicant had come to an agreement with the Objectors to modify the Applicant's plan of development; that he had with him the modified plan of development for the subject property; that he would like to have said plans dated today so that the Board's resolution could reference said plans as the July 17, 2015 plans; and

WHEREAS, the Board agreed; and

WHEREAS, Mr. Ftikas stated that the old plan had a thirteen foot (13') tall storage room at the back of the building that went almost to the rear property line; that this has been taken off the new plans of July 17, 2015; that the proposed building now provides an eight foot (8') rear setback; and

WHEREAS, Mr. Ftikas then requested an amendment to the Applicant's request for relief; that the Applicant requested rear setback relief from 28.63' to 8'; that the Applicant was withdrawing its request for rear yard open space relief as the Applicant would now be providing 200 square feet of open space at grade; and

WHEREAS, the Board asked Mr. Stein if the Objectors agreed to this; and

WHEREAS, Mr. Stein stated that the Objectors did agree to this; that subject to the plan presented before the Board and the stipulation in any resolution that the Applicant build to the plan dated July 17, 2015, the Objectors would withdraw their objections; that he had a promise from Mr. Ftikas and Mr. Kokalias that the construction contractors will clean up after themselves and not disturb the neighborhood; that he represents not only Mr. and Mrs. Harris but also the neighbor next south, Miss Steiner; and

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

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

WHEREAS, Sections 17-13-1003-L and Sections 17-13-1101-A of this Zoning Ordinance grant the Zoning Board of Appeals authority to grant a variation to allow an increase of up to 10% height of a building that does not comply with applicable zoning district height limits; now, therefore,

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

1. The Board finds that pursuant to 17-13-1107-A that 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 property should the requirements of this Zoning Ordinance be strictly complied with;

2. The Board finds that pursuant to 17-13-1107-B that the Applicant has proved by testimony and other evidence that: (1) whether or not the property can yield a reasonable return is not material as the Applicant intends to continue to own and reside at the subject property; (2) the practical difficulty or particular hardship is due to the subject property

having a short lot depth of 102' and lacking a rear alley; and (3) the variations, if granted, will not alter the essential character of the neighborhood due to the condition stipulated to by the Objectors and imposed by the Board.

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 short lot depth of 102' and the lack of a rear alley results in particular hardship upon the Applicant if the strict letter of the Zoning Ordinance were carried out; (2) the short lot depth of 102' and the lack of a rear alley is a condition not generally applicable to other property in a RM-5 zoning district; (3) as the Applicant will continue to own the subject property and will reside in the completed home, profit is not the sole motive for the application; (4) the Applicant did not create the hardship in question as it did not create the short lot depth of 102' or the lack of a rear alley; (5) the variations being granted will not be detrimental to the public welfare or injurious to other property due to the condition stipulated to by the Objectors and imposed by the Board; 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 stipulated to by the Objectors and 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 variations to be granted pursuant to Sections 17-13-1107- A, B and C of the Chicago Zoning Ordinance.

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

1. The development shall be constructed consistent with the plans dated July 17, 2015 by Axios Architects, signed by Bill Kokalias and submitted during the July 17, 2015 hearing.

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:** The Church in Chicago **CAL NO.:** 120-15-S

**APPEARANCE FOR:** NICK FTIKAS **MINUTES OF MEETING:** July 17, 2015

**APPEARANCE AGAINST:** George Blakemore

**PREMISES AFFECTED:** 3901 West Irving Park Road

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a 30-space, off-site, required accessory parking lot to serve the existing, 444-seat church located at 3915 W. Irving Park Road.

**ACTION OF BOARD-**
APPLICATION APPROVED

**THE VOTE**

AUG 2 6 2015
CITY OF CHICAGO

| | AFFIRMATIVE | NEGATIVE | ABSENT |
|---|---|---|---|
| JONATHAN SWAIN | X | | |
| SOL FLORES | | | X |
| SHEILA O'GRADY | X | | |
| SAM TOIA | X | | |

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on April 17, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on April 2, 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 30-space, off-site, required accessory parking lot to serve the existing, 444-seat church located at 3915 W. Irving Park Road; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The development is consistent with the design, layout and plans prepared by AC Alexander Engineers and Architects and dated February 20, 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:** Mercedes Barroso/DBA Mercy's Unisex Salon **CAL NO.:** 175-15-S

**APPEARANCE FOR:** Same **MINUTES OF MEETING:** July 17, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 4846 W. Fullerton Avenue

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

**ACTION OF BOARD-**
APPLICATION APPROVED

**THE VOTE**

AUG 2 6 2015
CITY OF CHICAGO

| | AFFIRMATIVE | NEGATIVE | ABSENT |
|---|---|---|---|
| JONATHAN SWAIN | X | | |
| SOL FLORES | X | | |
| SHEILA O'GRADY | X | | |
| SAM TOIA | 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 28, 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 beauty and nail salon; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

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

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

APPROVED AS TO SUBSTANCE
CHAIRMAN

**ZONING BOARD OF APPEALS**
**CITY OF CHICAGO**

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



**Laura Krajecki and Darius Smolinski**
APPLICANTS

**233-15-Z**
CALENDAR NUMBER

**1826 North Wilmot Avenue**
PREMISES AFFECTED

**July 17, 2015**
HEARING DATE

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Nick Ftikas
APPEARANCE FOR APPLICANT

Sanford Stein
APPEARANCE FOR OBJECTORS

**NATURE OF REQUEST**

Application for a variation to reduce the northwest side setback from 2' to 0'; to reduce the southeast side setback from 2' to 1.54'; to reduce the combined side yard setback from 4.8' to 1.54'; and to reduce the rear yard setback from 28' to 26.91' for a proposed rear three-story addition with a three-story spiral staircase and a first floor open deck connected via catwalk with stair access to grade level to a proposed rooftop deck to be established on an existing rear two-car garage; the existing three-story, three-unit building will be converted into a single-family residence.

**ACTION OF BOARD**

The application for the variation to reduce the southeast side setback and the rear setback is approved. The application for a variation to reduce the northwest side setback is denied.

**THE VOTE (SOUTHEAST SIDE & REAR SETBACKS)**

| | APPROVED | DENIED | ABSENT |
|---|---|---|---|
| Jonathan Swain, Chair | x | | |
| Sheila O'Grady | x | | |
| Sam Toia | x | | |

**THE VOTE (NORTHWEST SIDE SETBACK)**

| | APPROVED | DENIED | ABSENT |
|---|---|---|---|
| Jonathan Swain, Chair | | x | |
| Sheila O'Grady | | x | |
| Sam Toia | | x | |

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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 meetings held on July 17, 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

APPROVED AS TO SUBSTANCE
CHAIRMAN

WHEREAS, Mr. Nick Ftikas, counsel for the Applicant, explained the history of the subject property and the underlying basis for the relief sought; that the Applicants owns the subject property; that the subject property is improved with a 3-story single family home ("existing building") that dates from the 1890s; that the existing building was built to the front property line and favors the north side lot line; that the subject property measures 24' wide by only 100' deep; that the Applicants were proposing to construct a 3-story rear addition, to construct a partial fourth floor roof access room and to rebuild the two-car existing garage at the rear of the lot; that the proposed plan of development calls for an open deck and catwalk from the rear of the home that will provide direct access to the new roof deck located above the garage; that to permit said plan of development, the Applicant requires the requested variations; and

WHEREAS the Board inquired as to which variations were required for what portions of the proposed plan of development; and

WHEREAS, Mr. Ftikas explained that the reduction in the rear setback allowed for the Applicants to provide the catwalk; that the request for the side yard reductions is to allow the Applicants to build off the existing walls of the existing building and go straight back; that the Applicants have amended their application to provide for a one foot six and half inch (1.54') south side setback; that that this 1.54' is the existing south setback as it is the existing wall of the existing building; that the rear addition does not encroach into the rear yard; that it is the proposed open catwalk that will connect the home to the rooftop deck that encroaches in the rear yard setback; and

WHEREAS, Mr. Darius Smolinski, one of the Applicants, testified on behalf of the application; that he and his wife own the subject property; that the existing building on the subject property has been vacant for some time; that he and his wife plan to renovate said existing home and reside there; that the renovation will include the aforementioned three-story rear addition, a partial fourth floor addition that will house an elevator and provide roof access, and a reconstruction of the rear two-car garage; and

WHEREAS, in response to questions by the Board, Mr. Ftikas explained that the Applicants needed no relief for the height of the proposed plan of development as the Applicants have a Type 1 zoning change for the subject property; that the subject property currently has an underlying zoning of RM-4.5; and

WHEREAS, Mr. Smolinski further testified that the requested north side setback reduction will allow the Applicants' proposed addition to follow the existing north building wall straight back; that the requested south side setback reduction will also allow the Applicants' proposed addition to follow the existing south building wall straight back; that he is not proposing a new side setback condition on either side of the lot; that the Applicants will just follow the 120 year old building's existing footprint back 18' 10"; that the combined side yard setback relief is a function of the reduced north and south side setbacks; that the rear yard setback reduction is needed to permit an open deck

behind the home and a catwalk to the proposed rooftop deck above the garage; that the Applicants need just over a foot (1') of rear yard setback relief on a 100' lot; that the rear setback relief is not necessary to permit the rear building addition; that this is because the rear building wall of the new addition will remain set back 43' from the rear property line; that the hardship with respect to this application is a combination of the fact that the Applicants are adding onto a 120 year old principal building with established setback conditions as well as a 100' deep lot; and

WHEREAS, in response to questions by the Board, Mr. Ftikas explained that the 100' lot depth made a catwalk a possibility; that had the lot depth been 125', a stair going up to the rooftop deck would be more practical; that a stair going up to the rooftop deck is not practical in this case as it would lead to a series of stairs in the rear yard and reduce the 325 square feet of rear yard open space; and

WHEREAS, in response to questions by the Board, Mr. Brent Norsman, the Applicants' architect, testified that were the Applicants to forgo the catwalk, the Applicants would have to add a second stairway in the rear yard; and

WHEREAS, Mr. Ftikas explained that this second stairway would also require rear setback relief; that consequently, a stairway to the rooftop deck is not a design altercation that would negate zoning relief; that the catwalk is not an obstruction in the rear yard as the catwalk is open in a way that an enclosed breezeway is; that the Applicants are asking for 1.08' rear setback relief for the catwalk; and

WHEREAS, in response to questions by the Board, Mr. Norsman stated that if the Applicants had a second stairway to access the rooftop deck instead of a catwalk, said second stairway would likely also require the same rear setback relief in the same amount of 1.08' feet; and

WHEREAS, Mr. Smolinski then testified that the proposed plan of development allows the Applicants to overcome the aforementioned hardships; that the resulting building is a modern and functional home with a 120 year old façade; that the Applicants are investing $750,000 to complete the renovations and additions; that the Applicants have already invested $800,000 to purchase the property; that the Applicants are making a significant investment at this property; that the Applicants completed a zoning change for this property and worked for nearly twelve (12) months with Alderman Waguespack; that ultimately a Type 1 zoning change was approved; that said Type 1 change is tied to the plans presented before the Board; and

WHEREAS, Mr. Norsman testified that he is licensed architect in the State of Illinois and has previously testified before the Board; that he has designed the plan of development for the subject property currently before the Board; that the rear building addition is designed to follow the existing building wall straight back; that no new or greater setback is being created by the building; that with respect to the rear deck and catwalk, those features are compatible with other homes in the immediate area including the immediate neighbor south; that the Applicants will be replacing an existing multi-

level deck at the subject property with the new rear deck; that the Applicants' proposal is in keeping with the pattern of development in the area and on this block; that the practical hardship in this case is the combination of the 120 year old existing building with established setbacks and the 100' lot depth; that the requested variations will not be detrimental to the public welfare or injurious to other property or improvements in the area; that the requested variations will not impair an adequate supply of light and air to adjacent properties; that the requested variations will not increase the danger of fire or endanger public safety; that the requested variations will not substantially increase congestion in the public streets in the area; that the requested variations will not substantially diminish or impair property values in the area and will instead likely raise said values; that the requested variations will not alter the essential character of the neighborhood; and

WHEREAS, Mr. Sanford Stein, counsel for the Objectors, Mr. Steve Lenet and Ms. Colon, explained the nature of the Objectors' objections; that the Objectors objected to the extreme nature of the side yard setbacks; that by reducing the side setbacks to 0', the application will create out-of-character property in the neighborhood and will diminish and deny an adequate amount of light and air to the neighboring properties; that the Objectors also objected to the rear setback request; and

WHEREAS, the Board clarified to Mr. Stein that there had been a modification in the request for the southeast side setback reduction; that the request for reduction is from 2' to 1.54'; and

WHEREAS, Mr. Stein withdrew the Objectors' objections to the request for the southeast side setback reduction; and

WHEREAS, Mr. Steve Lenet, of 1822 N. Wilmot, testified in objection to the application; that his qualifications as an expert in land planning were acknowledged by the Board; that he is familiar with the subject property; that the subject property is roughly 24' wide; that it was recently rezoned from a M to a RT zoning district; it is currently improved with a three-story, converted 3-flat into single-family home with a two-car detached garage; that the proposed variations do not meet the standards for a variation as there is no unique hardship as all lots on this block of Wilmot are identical; that all lots on this block of Wilmot are 24' wide by 105' deep lots; that this particular lot has been utilized as a single-family home for a family of 4 for the past 8 years; that there is nothing unique about this; that the subject property is the only residence or building on the block that has a 0' front line; that therefore extending the existing building straight back is completely unnecessary as the addition to the back will cut off light, air and ventilation to the neighbors' property; and

WHEREAS, in response to questions by the Board, Mr. Lenet testified the proposed addition with the requested setbacks will have a significant impact; that with respect to Ms. Colon's house at 1828 N. Wilmot, the additional two feet of setback relief will cut off light and air to the south; that there is no necessity to do this as the existing home is

already the tallest on the block; that with the roof and elevator structure, the home will tower over the adjoining buildings; and

WHERAS, the Board reminded Mr. Lenet that due to the property being rezoned, such height was allowed by right; and

WHEREAS, Mr. Lenet conceded that point; that he again reiterated that there was no hardship with respect to the subject property; and

WHEREAS, the Board asked Mr. Lenet to clarify the impact the rear yard reduction will have; and

WHEREAS, Mr. Lenet testified that as one goes back and adds structure to the back of the subject property, one is going to cut off light and air to the adjacent property; that there is no reason to cut off said light and air as there is no hardship as there is nothing unique to this property; and

WHEREAS, in response to further questions by the Board, Mr. Lenet testified that his objection was to the structure in the rear yard; that the catwalk itself was not problematic; and

WHEREAS, Ms. Colon, of 1828 N. Wilmot, testified in objection to the application; that she is the neighbor next west to the subject property; that with the requested variation with respect to the northwest side yard setback, the Applicants' proposed plan of development will tower over her house; that this will decrease her property values; and

WHEREAS, Mr. Stein stated that the subject property was in a neighborhood of smaller structures; that there is a reason for side and rear yard setbacks in this Zoning Ordinance; that their purpose is to accommodate some kind of usable living space essential to well-being; and

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

WHEREAS, in response to questions raised by the Objectors' testimony, Mr. Ftikas stated that the goal was to follow the existing building line; that when one starts "jogging in" building walls, the floor layout changes; that the standard in this Zoning Code is whether or not a variation impairs an "adequate" supply of light and air; that Merriam-Webster's Dictionary defines "adequate" as "sufficient for a specific requirement, barely sufficient or satisfactory"; that he then submitted this definition to the Board; that the Applicants believe the proposed plan of development does not take away and make the neighboring property less than "good enough"; that the neighboring property still has a "good enough" supply of light and air; that the Applicants are not extending their design past the existing building at 1822 N Wilmot and are going only 3' past the existing building at 1828 N Wilmot; and

WHEREAS, the Board inquired as to the adequacy of light and air at 1828 N Wilmot; and

WHEREAS, Mr. Ftikas stated that Applicants proposed home would be blocking the rear deck at 1828 N Wilmot; that the Applicants would not be taking over the backyard at 1828 N. Wilmot as that would require the Applicants to go another 10' to 15' beyond what the Applicants are currently proposing; and

WHEREAS, the Board inquired if there would be a hardship should the Applicants not stay on the existing walls with respect to the addition; and

WHEREAS, Mr. Ftikas stated that the Applicants did have a hardship; that the Applicants did have a unique lot; that the Applicants have a 100' lot depth; that the Applicants only have so much lot to work with; that therefore, the proposed design is to keep a workable floor plan by building off the existing walls; that the Applicants do not agree that the Applicants' requested variations provide an inadequate amount of light and air; that if the Applicants were providing an inadequate amount then perhaps not reducing the setbacks would be a solution; and

WHEREAS, Mr. Stein stated that the Applicants' lot is a tight lot; that the northwest side setback is only 2'; that this is not a big area; that there is no practical hardship that accounts for reducing the 2' to 0'; that a 2' setback is not a lot of room; that to reduce that to 0' is to emasculate the intent of this Zoning Ordinance; that there is no reason to have a setback if one is going to reduce it to 0'; and

WHEREAS, Mr. Ftikas stated that the bulk and height of the proposed plan of development is permitted under the underlying zoning district; and

WHEREAS, the Board requested that Mr. Ftikas specifically address the northwest side setback reduction request from 2' to 0'; and

WHEREAS, Mr. Ftikas stated that the Applicants did not believe that by following the existing walls, the Applicants are creating an inadequate supply of light and air; that the 1828 N. Wilmot property will have adequate light and air as there will still be approximately 3' of separation between the Applicants' building and the building at 1828 N. Wilmot; and

WHEREAS, the Board stated that there is a presumption under this Zoning Ordinance that the setback requirements provide adequate light and air to the adjacent properties; that anything that is inferior to this Zoning Ordinance's requirement to a setback needs to be proven that it will still provide adequate light and air or will not affect the adequacy of the light and air to the adjacent properties; that for the Applicants to say it is not inadequate does not change the fact that the under this Zoning Ordinance said setback reduction is presumed inadequate unless proven by an applicant to be adequate; and

WHEREAS, Mr. Ftikas stated that Mr. Norsman, the Applicants' licensed architect, testified that the requested setback reductions would not result in an inadequate supply of light and air to the adjacent properties; and

WHEREAS, Section 17-13-1101-B of this 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 this Zoning Ordinance, and the Board being fully advised, hereby makes the following findings with reference to the Applicant's application for a variation:

1. The Board finds that pursuant to 17-13-1107-A that the Applicants have proved their case by testimony and other evidence that a practical difficulty or particular hardship exists regarding the proposed use of the property should the requirements of this Zoning Ordinance be strictly complied with respect to the southeast side and rear yard setbacks. However, the Board finds that the Applicants did not prove their case by testimony and other evidence that a practical difficulty or particular hardship exists should the requirements of this Zoning Ordinance be strictly complied with respect to the northwest side yard setback;

2. The Board finds that pursuant to 17-13-1107-B that the Applicants have proved by testimony and other evidence that: (1) whether or not the property can yield a reasonable return is not material as the Applicants intend to continue to own and reside at the subject property; (2) the practical difficulty or particular hardship with respect to the southeast side setback is due to the existing walls of the existing building while the practical difficulty or particular hardship with respect to the rear yard setback is due to the 100' lot depth and both of these practical difficulties or particular hardships are not generally applicable to other properties in a RM-4.5 zoning district; and (3) the variation with respect to the southeast side yard and rear yard setback, if granted, will not alter the essential character of the neighborhood as the southeast side yard condition already exists and the catwalk will not create an obstruction in the rear yard. However, with respect to the request for the northwest side setback relief, the Board finds that the Applicants have not proved their case by testimony or other evidence that the proposed variation will not alter the essential character of the neighborhood as the proposed alteration will impair an adequate supply of light and air to the adjoining property at 1828 N. Wilmot; and

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 walls of the existing building and 100' lot depth result in particular hardship upon the Applicants if the strict letter of the Zoning Ordinance were carried out; (2) the existing walls of the existing building and 100' lot depth is a condition not

generally applicable to other property in a RM-4.5 zoning district; (3) as the Applicants will continue to own and reside at the subject property, profit is not the sole motive for the application; (4) the Applicants did not create the hardship in question as they did not build the existing building; (5) the granting of the variation with respect to the southeast side and rear yard setback will not be detrimental to the public welfare or injurious to other property; and (6) the proposed variation with respect to the southeast side and rear 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. However, with respect to the proposed variation to reduce the northwest side setback, the Board finds Mr. Lenet to be a more credible witness than Mr. Norsman. The Board therefore finds that the proposed variation to reduce the northwest side setback will be injurious to the property at 1828 N. Wilmot by impairing an adequate supply of light and air to said property.

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

RESOLVED, the aforesaid variation for the southeast side and rear yard setbacks are hereby approved and the Zoning Administrator is authorized to permit said southeast side and rear yard setback variation.

RESOLVED, the Board finds the Applicants have not sufficiently established by testimony and other evidence covering the specific criteria for a variation for the northwest side setback to be granted pursuant to Sectio 17-13-1107-A, B and C of the Chicago Zoning Ordinance.

RESOLVED, the aforesaid variation application for the northwest side setback is hereby denied.

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