

**ZBA
MINUTES
MARCH 17, 2017**

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

APPLICANT: St. Jerome Croatian Church **CAL NO.:** 93-17-Z

APPEARANCE FOR: Louis Weinstock **MINUTES OF MEETING:**
March 17, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2813 S. Princeton Avenue

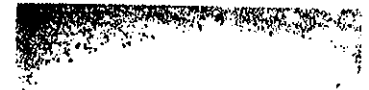
NATURE OF REQUEST: Application for a variation reduce the front setback from the required 11.66' to zero, rear setback from 37.53' to zero for a proposed two story addition to an existing school and religious assembly.

ACTION OF BOARD-
CASE CONTINUED TO APRIL 21, 2017.

THE VOTE

BLAKE SERCYE
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		



APR 24 2017

**CITY OF CHICAGO
ZONING BOARD OF APPEALS**

APPROVED AS TO SUBSTANCE
[Signature]
CHAIRMAN

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

APPLICANT: St. Jerome Croatian Church

CAL NO.: 94-17-Z

APPEARANCE FOR: Louis Weinstock

MINUTES OF MEETING:
March 17, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2813 S. Princeton Avenue

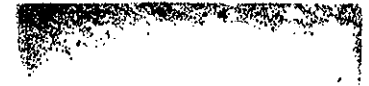
NATURE OF REQUEST: Application for a variation to increase the existing floor area ratio (39,419.94 square feet) by 29 % (11,596.75 square feet) to 51,016.69 square feet for a proposed two-story addition to an existing school and religious assembly.

ACTION OF BOARD-
CASE CONTINUED TO APRIL 21, 2017.

THE VOTE

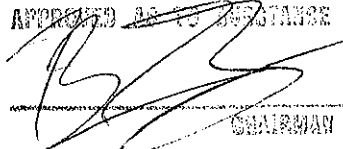
BLAKE SERCYE
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		



APR 24 2017

CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO ASSISTANCE

CHAIRMAN

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

APPLICANT: 1321 Wolfram LLC

CAL NO.: 95-17-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
March 17, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1321 W. Wolfram Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 34.86' to 2.0' for an open stair to access a proposed garage roof deck which shall contain 11.3 square feet of relocated rear yard open space (remaining 213.7. square feet to be at grade), with a pergola with a height of 21.67'.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

APR 24 2017

CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		


THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 2, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 2.0' for an open stair to access a proposed garage roof deck which shall contain 11.3 square feet of relocated rear yard open space (remaining 213.7. square feet to be at grade), with a pergola with a height of 21.67'; 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: 420 Capital Management, LLC **CAL NO.:** 96-17-S
APPEARANCE FOR: Thomas Moore **MINUTES OF MEETING:**
APPEARANCE AGAINST: None March 17, 2017
PREMISES AFFECTED: 1930 W. Chase Avenue / 7305 N. Rogers Avenue

NATURE OF REQUEST: Application for a special use to permit the establishment of a medical cannabis dispensing facility.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE



CITY OF CHICAGO
ZONING BOARD OF APPEALS
THE RESOLUTION:

BLAKE SERCYE
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

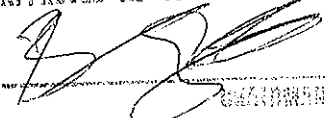
AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 2, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a medical cannabis dispensing 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 site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated May 11, 2016, prepared by RJA Architects Ltd.

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

APPROVED AS TO SUBSTANCE

ZONING ADMINISTRATOR

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

APPLICANT: Montana 1245, LLC

CAL NO.: 97-17-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
March 17, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1245 W. Montana Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 33.6' to 2', west setback from 2.4' to zero (east to be zero), combined side setback from 6' to zero for an open stair to access a proposed garage roof deck with an attached chimney.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

APR 24 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

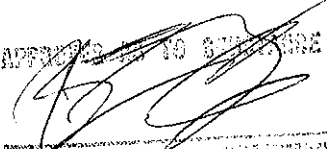
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 2, 2017; and

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

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

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

APPROVED BY TO SIGNATURE

CHAIRMAN

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

APPLICANT: Oyun Yadamsuren
APPEARANCE FOR: Same as Applicant
APPEARANCE AGAINST: None
PREMISES AFFECTED: 3011 N. Broadway

CAL NO.: 98-17-S

MINUTES OF MEETING:
 March 17, 2017

NATURE OF REQUEST: Application for a special use to permit the establishment of a nail salon.

ACTION OF BOARD-
 APPLICATION APPROVED

THE VOTE

APR 24 2017
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

BLAKE SERCYE
 SOL FLORES
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		


THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 2, 2017; and

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

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

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

APPROVED AS TO SUBSTANCE

 CHAIRMAN

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

APPLICANT: 3801 Montrose, LLC

CAL NO.: 99-17-S

APPEARANCE FOR: John Fritchey

MINUTES OF MEETING:
March 17, 2017

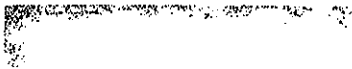
APPEARANCE AGAINST: None

PREMISES AFFECTED: 3801 W. Montrose Avenue

NATURE OF REQUEST: Application for a special use to permit the establishment of residential use below the second floor to convert an existing commercial building to a detached house.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE



APR 24 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 2, 2017; and

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

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

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

APPROVED AS TO SUBSTANCE

BRADY

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

APPLICANT: Shimon Mery **CAL NO.:** 100-17-Z
APPEARANCE FOR: John Pikarski **MINUTES OF MEETING:**
APPEARANCE AGAINST: None March 17, 2017
PREMISES AFFECTED: 2418 W. Medill Avenue

NATURE OF REQUEST: Application for a variation to reduce the east setback from the required 3.73' to 0.5' (west to be 2.74'), combined side setback from 9.33' to 3.24' and to reduce the required rear yard open space from 150 square feet to zero for a proposed two story porch and one unenclosed parking stall.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

APR 24 2017
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

BLAKE SERCYE
 SOL FLORES
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

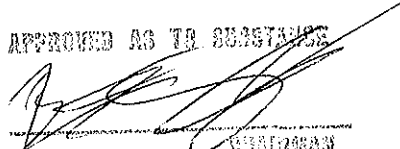
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 2, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the east setback to 0.5' (west to be 2.74'), combined side setback to 3.24' and to reduce the required rear yard open space to zero for a proposed two story porch and one unenclosed parking stall; 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

 CHAIRWOMAN

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

APPLICANT: Rajesh N. Kunnumali

CAL NO.: 101-17-S

APPEARANCE FOR: Montel Gayles

MINUTES OF MEETING:
March 17, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 6536 S. Kedzie Avenue

NATURE OF REQUEST: Application for a special use to permit the establishment of a one-lane drive-through facility to serve a proposed fast food restaurant.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

APR 24 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
RECUSED		
X		

THE RESOLUTION:


WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 2, 2017; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the development is consistent with the design and layout of the site/landscape plan dated October 25, 2016, prepared by Atul Karkhanis Architects, Ltd.

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: Delta Real Estate Investments LLC CAL NO.: 102-17-Z

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:
March 17, 2017

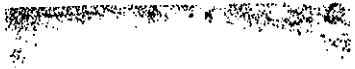
APPEARANCE AGAINST: None

PREMISES AFFECTED: 3848 N. Hamilton Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 34'-10" to 4', south setback from 2' to zero (north to be zero), combined side setback from 5' to zero, for a proposed open stair to access a garage rooftop deck which shall also contain the relocated rear yard open space.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE



APR 24 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SOL FLORES
SAM TOJA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 2, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 4', south setback to zero (north to be zero), combined side setback to zero, for a proposed open stair to access a garage rooftop deck which shall also contain the relocated rear yard open space; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO REGULARITY

CHAIRMAN

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

APPLICANT: Barrett Homes, LLC

CAL NO.: 103-17-S

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
March 17, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3034 N. Clybourn Avenue

NATURE OF REQUEST: Application for a special use to permit the establishment of residential use below the second floor for a proposed three-story, three-dwelling unit building with roof deck and roof stair and mechanical enclosure.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

APR 24 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

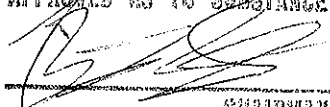
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 2, 2017; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated September 28, 2016, prepared by 360 Design 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
121 North LaSalle Street
Chicago, Illinois 60602
TEL: (312) 744-3888



LG Development Group, LLC

APPLICANT

1435-43 N. Wells Street

PREMISES AFFECTED

104-17-S, 105-17-Z

& 106-17-Z

CALENDAR NUMBERS

March 17, 2017

HEARING DATE

ACTION OF BOARD

THE VOTE

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

Blake Sercye
Sol Flores
Sam Toia
Amanda Williams

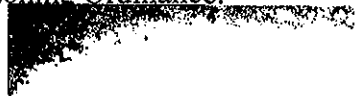
AFFIRMATIVE NEGATIVE ABSENT

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<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE SPECIAL USE AND VARIATION APPLICATIONS
FOR 1435-43 N. WELLS STREET BY LG DEVELOPMENT GROUP, LLC**

I. BACKGROUND

LG Development Group, LP (the "Applicant") submitted a special use application and two variation applications for 1435-43 N. Wells Street (the "subject property"). The subject property is currently zoned B3-5 and is located on a pedestrian street (as defined in the Chicago Zoning Ordinance). The Applicant proposed to develop a six-story, fifty dwelling unit building (the "building") within 1320 feet of a Chicago Transit Authority ("CTA") station entrance. The Applicant sought a special use to reduce the minimum off-street parking for the building by no more than fifty percent (50%) from fifty spaces to fifteen spaces. The Applicant sought a variation to reduce the rear setback for the building from the required 30' to 5'. The Applicant also sought a variation to eliminate the one required loading berth for the building. In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City's Department of Planning and Development ("Department") recommended approval of the proposed special use reducing the off-street parking subject to the condition that: (a) the Applicant provided a minimum of thirty-five (35) bicycle parking spaces within the building; and (b) the thirty-five (35) bicycle parking spaces were subject to the regulations of Section 17-10-0302 of the Chicago Zoning Ordinance.



APR 24 2017

CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE

GEORGEANN

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's special use and variation applications at its regular meeting held on March 17, 2017, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Sun-Times*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure, the Applicant had submitted its proposed Findings of Fact. The Applicant's representative, Mr. Gabe Leahu, project manager for the Applicant, and its attorney, Mr. Rolando Acosta were present. Also present on behalf of the Applicant were the Applicant's expert witnesses: Mr. George Sorich, Mr. Luay Aboona, and Mr. Peter Poulos. Testifying in opposition to the applications were the following individuals: Mr. Ward Miller, Mr. Alan Artner, Ms. Lisa Mayntz, Mr. Troy Monthye and Mr. Keith Stoye. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

The Applicant presented the lay testimony of Mr. Gabe Leahu, project manager for the Applicant. Mr. Leahu testified to the Applicant's proposed program of development at the subject property. He further testified that without the requested variations, the Applicant would not be able to receive a reasonable return on its investment.

The Applicant presented the expert testimony of Mr. George Sorich, its architect. Mr. Sorich testified that with the exception of the two variations requested by the Applicant, the Applicant's proposed program of development met all standards of the Chicago Zoning Ordinance. He further testified as to the necessity of the requested variations.

The Applicant presented the expert testimony of Mr. Luay Aboona, its traffic consultant. Mr. Aboona testified that the Applicant's proposed program of development met all standards of a transit oriented development ("TOD") under the Chicago Zoning Ordinance. He further testified as to the results of the travel demand management plan he prepared pursuant to Section 17-13-905-F(3) of the Chicago Zoning Ordinance. The travel demand management plan included a study of the alley the proposed development would use to access its off-street parking (the "alley").

The Applicant presented the expert testimony of Mr. Peter Paulos, its real estate appraiser. Mr. Paulos testified that the Applicant's proposed program of development met the standards for a special use.

Mr. Alan Artner, of 161 W. Burton Place, testified in opposition to the applications. His opposition stemmed from his belief that the Applicant's proposed program of development would create safety, damage, and noise issues with respect to the alley.

Mr. Joe Farve, of 158 W. Burton Place (Rear Coachhouse), testified in opposition to the applications. His opposition stemmed from his belief that the Applicant's proposed program of development would create safety and noise issues with respect to the alley.

Mr. Troy Monthye, of 155 W. Burton Place, testified in opposition to the applications. His opposition stemmed from his belief that the Applicant's program of development would create safety issues with respect to the alley.

Mr. Ward Miller, of 4410 N. Ravenswood, testified in opposition to the applications. His opposition stemmed from his belief that the Applicant's program of development would lead to increased use of the alley which in turn would lead to further structural damage to the historic buildings that front the alley.

Mr. Keith Stoye, of 155 W. Burton Place, testified in opposition to the applications. His opposition stemmed from his belief that the Applicant's program of development would further exacerbate an already dangerous alley.

Ms. Lisa Mayntz, of 161 W. Burton Place, testified in opposition to the applications. Her opposition stemmed from her belief that the Applicant had not proved its case with respect to its request for a rear setback reduction.

A. Criteria for a Special Use Permit for Parking Reductions for Transit-Served Locations

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

Pursuant to Section 17-13-0905-F(1) of the Chicago Zoning Ordinance, no special use application for the reduction of off-street parking requirements for residential and non-residential uses from the otherwise applicable standards by more than fifty percent (50%) as expressly authorized in Section 17-10-0102-B of the Chicago Zoning Ordinance, may be approved unless the ZONING BOARD OF APPEALS finds that the special use meets the general criteria of Section 17-13-0905 of the Chicago Zoning Ordinance and all of the following specific criteria: (a) the project complies with the applicable standards of Section 17-10-0102-B of the Chicago Zoning Ordinance; (b) the project complies with the standards and regulations of Section 17-3-0500 of the Chicago Zoning Ordinance pertaining to pedestrian streets and pedestrian retail streets, even if the project is not located along a pedestrian street or a pedestrian retail street; (c) the project complies with the general goals set forth in the Transit Friendly Development Guide: Station Area Typology, and any other station-specific plans, designs or guidelines adopted by the Chicago Plan Commission; (d) the Applicant will actively promote public

transit and alternatives to automobile ownership through car sharing programs or other shared modes of transportation, such as funding the installation of new public bike-share (Divvy) docks or stations within or adjacent to the project site and the purchase of bikes for such docks or stations, subject to the review and approval of the Chicago Department of Transportation of such bike-share expenditures; and (e) the requested reduction will be offset by enhancements to the pedestrian environment that are not otherwise required, such as wider sidewalks, decorative pavement, trees, raised planters, outdoor seating, special lighting, bus shelters or other types of weather protection for pedestrians, transit information kiosks, or other pedestrian amenities.

Pursuant to Section 17-13-0905-F(2) of the Chicago Zoning Ordinance, no special use application for the reduction of off-street parking requirements for residential and non-residential uses from the otherwise applicable standards by more than fifty percent (50%) as expressly authorized in Section 17-10-0102-B of the Chicago Zoning Ordinance, may be approved unless the ZONING BOARD OF APPEALS considers the availability of on-street parking in the vicinity of the project.

Pursuant to Section 17-13-0905-F(3) of the Chicago Zoning Ordinance, the ZONING BOARD OF APPEALS is authorized require the applicant to submit a travel demand management plan prepared by a qualified professional that addresses the transportation impacts of the development on parking and transit use, and which includes a description of the strategies and programs the applicant will implement to reduce parking demands.

B. Criteria for a Variation

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

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

Pursuant to Section 17-13-1107-C of the Chicago Zoning Ordinance, in making its determination of whether practical difficulties or particular hardships exist, the Zoning Board of Appeals must take into consideration the extent to which evidence has been submitted substantiating the following facts: (1) the particular physical surroundings, shape or topographical condition of the specific property involved would result in a

particular hardship upon the property owner as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out; (2) the conditions upon which the petition for a variation is based would not be applicable, generally, to other property within the same zoning classification; (3) the purpose of the variation is not based exclusively upon a desire to make more money out of the property; (4) the alleged practical difficulty or particular hardship has not been created by any person presently having an interest in the property; (5) the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and (6) the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

III. FINDINGS OF FACT

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

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

As Mr. Poulos and Mr. Sorich both very credibly testified, the proposed parking reduction complies with all applicable standards of the Chicago Zoning Ordinance.

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

Previously, the subject property was underdeveloped and underutilized. The proposed parking reduction will allow the Applicant to provide additional residential units to the area. As Mr. Aboona very credibly testified, due to the subject property's proximity to both the Sedgwick CTA station and the Clark CTA station as well as other excellent means of public transportation (such as buses and Divvy stations), the proposed special use will not have a significant adverse impact on the general welfare of the neighborhood.

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

The proposed parking reduction will be located within the building. The building is mixed-use and is located in an area with similar mixed-use facilities. The project design of the building will be comprised of first floor retail and upper

floor dwelling units. This scheme is typical throughout the area and is consistent with the previous use of the subject property.

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

As noted above, the proposed parking reduction will be located within the building. The building is mixed-use and is located in an area with similar mixed-use facilities. The project design of the building will be comprised of first floor retail and upper floor dwelling units. This scheme is typical throughout the area and is consistent with the previous use of the subject property. The off-site parking for the building will be accessed from the alley along the rear of the subject property. As Mr. Aboona very credibly testified, other buildings in the area have garages off of the alley, including the building next north of the subject property. Said next north building is similar to the Applicant's proposed development.

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

The proposed parking reduction is designed to promote pedestrian safety and comfort by providing reduced parking. This will result in less vehicular traffic to and from the subject property. Moreover, all off-site parking will be accessed off the alley, and there will be no new curb cuts on Wells. Further, as part of the proposed development, the Applicant will be providing thirty-five (35) bicycle spaces as well as transit kiosk alerting residents to the times of the CTA.

After careful consideration of the evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, the ZONING BOARD OF APPEALS hereby makes the following findings with reference to the Applicant's application for a special use pursuant to Section 17-13-0905-F(1) of the Chicago Zoning Ordinance:

1. *The project complies with the applicable standards of Section 17-10-0102-B of the Chicago Zoning Ordinance.*

The subject property is located in a B3-5 zoning district. In B districts, minimum off-street parking may be reduced by up to fifty percent (50%) from the otherwise applicable standards for new construction located within 1,320 feet of a CTA or METRA rail station entrance. As the subject property is located approximately 1300 feet of the Sedgewick CTA rail station entrance, the Applicant's building complies with Section 17-10-102-B(1) and (4) of the Chicago Zoning Ordinance. Further, as required by Section 17-10-102-B(3), the Applicant will be providing thirty-five (35) bicycle parking spaces. These bicycle parking spaces will comply with the regulations of Section 17-10-0302.

- 2. The project complies with the standards and regulations of Section 17-3-0500 of the Chicago Zoning Ordinance pertaining to pedestrian streets and pedestrian retail streets, even if the project is not located along a pedestrian street or a pedestrian retail street.*

Wells Street is a pedestrian street at this location and therefore the Applicant's building complies with all standards and regulations of Section 17-3-0500 of the Chicago Zoning Ordinance. Mr. Sorich very credibly testified that with the exception of the two requested variations, the Applicant's building complied all applicable standards of the Chicago Zoning Ordinance. Because Wells Street is a pedestrian street at this location, no new curb cuts may be created, and all of the Applicant's off-street parking must therefore be accessed from the alley at the rear of the subject property.

- 3. The project complies with the general goals set forth in the Transit Friendly Development Guide: Station Area Typology, and any other station-specific plans, designs or guidelines adopted by the Chicago Plan Commission.*

As noted in Mr. Aboona's travel management plan, the area surrounding Sedgwick CTA station is considered a Dense Urban Neighborhood (DN). This classification describes station areas which are primarily residential in character with some neighborhood retail uses. Dense residential developments, including multifamily buildings greater than three stories are common in this area. The Applicant's proposed building will be six stories. It will be multifamily, with fifty (50) residential units above grade and two retail commercial spaces at grade.

- 4. The Applicant will actively promote public transit and alternatives to automobile ownership through car sharing programs or other shared modes of transportation, such as funding the installation of new public bike-share (Divvy) docks or stations within or adjacent to the project site and the purchase of bikes for such docks or stations, subject to the review and approval of the Chicago Department of Transportation of such bike-share expenditures.*

As noted above, the Applicant will be providing thirty-five (35) bicycle spaces as well as transit kiosk alerting residents to the times of the CTA.

- 5. The requested reduction will be offset by enhancements to the pedestrian environment that are not otherwise required, such as wider sidewalks, decorative pavement, trees, raised planters, outdoor seating, special lighting, bus shelters or other types of weather protection for pedestrians, transit information kiosks, or other pedestrian amenities.*

As noted above, Applicant will be providing a transit kiosk alerting residents to the times of the CTA.

After careful consideration of the evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, the ZONING BOARD OF APPEALS hereby makes the following findings with reference to the Applicant's application for a special use pursuant to Section 17-13-0905-F(2) of the Chicago Zoning Ordinance:

1. The availability of on-street parking in the vicinity of the project is :

As noted in Mr. Aboona's travel demand management plan, unrestricted parking is available along LaSalle Street, east of the subject property. Pay and display parking is available along Wells Street and along North Avenue. Nearby interior streets have permit parking.

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

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

Due to the short lot depth of the subject property, strict compliance with the regulations and standards of the Chicago Zoning Ordinance creates practical difficulties or particular hardships for the subject property.

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

The requested variations are consistent with Sections 17-1-0512 and 17-1-0514 of the Chicago Zoning Ordinance.

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

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

As Mr. Leahu very credibly testified if the Applicant had to provide a loading berth and the required rear setback of 30', the property in question could not yield a reasonable rate of return.

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

The subject property's short lot depth is due to unique circumstances and not generally applicable to other similarly situated property.

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

The variations, if granted, will not alter the essential character of the neighborhood. Due to the fact that Wells Street is a pedestrian street at this location, no new curb cuts may be created for the Applicant's building. Therefore, any loading berth would have to be accessed from the alley at the rear of the subject property. As very credibly testified to by Mr. Aboona as well as those testifying in objection to the applications, the alley is very narrow. A loading berth would detrimentally alter the essential character of the neighborhood as trucks servicing the Applicant's building would block the already narrow alley. Further, as evidenced by the pictures of the alley, the Applicant's request to reduce the rear setback is in keeping with neighboring properties. Many of the other buildings in the area are built right to the edge of the alley.

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

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

The short lot depth of the subject property results in particular hardship upon the Applicant as distinguished from mere inconvenience.

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

The subject property's short lot depth is not applicable, generally, to other property in the B3-5 zoning classification.

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

As noted above, the Applicant's request for variations are to ensure that the subject property yields a reasonable rate of return rather than based exclusively upon a desire to make more money out of the subject property.

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

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

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

As noted above, if the Applicant were to provide a loading berth, it would detrimentally affect the alley at the rear of the subject property. In contrast, should the variations be granted, the Applicant's proposed development will ensure trucks servicing the Applicant's proposed development are kept out of the alley. Further, as evidenced by the photographs of the alley's existing conditions, the Applicant's requested reduction to the rear setback will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

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

As the Applicant will have a dedicated loading zone on Wells Street, the request to eliminate the loading berth will not substantially increase the congestion in the public streets. Further, the request to reduce the rear setback will not impair an adequate supply of light and air to adjacent properties or increase the danger of fire or endanger the public safety. Neither variation will diminish or impair property values within the neighborhood. On the contrary, the proposed new development will likely raise property values in the area.

IV. CONCLUSION

For all of these reasons, the ZONING BOARD OF APPEALS finds that the Applicant has proved its case by evidence, testimony and the entire record covering: (1) the specific criteria for a special use pursuant to Sections 17-13-0905-A of the Chicago Zoning Ordinance; and (2) the specific criteria for a variation pursuant to Sections 17-13-1107-A, B and C of the Chicago Zoning Ordinance.

The ZONING BOARD OF APPEALS hereby approves the Applicant's application for a special use, and pursuant to the authority granted to the ZONING BOARD OF APPEALS by Section 17-13-906 of the Chicago Zoning Ordinance, the Zoning Administrator is authorized to permit said special use subject to the following condition:

1. There shall be a minimum of thirty-five (35) bicycle spaces located within the proposed development. Further, these thirty-five (35) bicycle spaces shall be subject to the regulations of Section 17-10-0302 of the Chicago Zoning Ordinance.

The ZONING BOARD OF APPEALS hereby approves the Applicant's applications for variations.

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

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

APPLICANT: California Funding, LLC

CAL NO.: 107-17-S

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
March 17, 2017

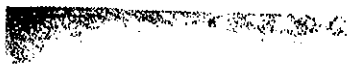
APPEARANCE AGAINST: None

PREMISES AFFECTED: 844 N. California Avenue

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE



APR 24 2017

CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 2, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a residential use below the second floor for a proposed four-story, three-dwelling unit building at the subject site; a variation was also granted to the subject site in Cal. No. 108-17-Z; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated March 17, 2017, prepared by Hannah Architects, Inc.

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: California Funding, LLC

CAL NO.: 108-17-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
March 17, 2017

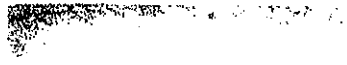
APPEARANCE AGAINST: None

PREMISES AFFECTED: 844 N. California Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from 30' to 16.6' for a proposed open stair to access a garage roof deck.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE



APR 24 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 2, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 16.6' for a proposed open stair to access a garage roof deck; a special use was also granted to the subject site in Cal. No. 107-17-S; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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: Peerless Development, LLC-1870 Milwaukee **CAL NO.:** 109-17-Z
APPEARANCE FOR: Sara Barnes **MINUTES OF MEETING:** March 17, 2017
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1874 N. Milwaukee Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 30' to 20' for a proposed six-story, forty-four dwelling unit building with ground floor commercial space and on-site parking.

**ACTION OF BOARD-
 VARIATION GRANTED**

THE VOTE

APR 24 2017
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

BLAKE SERCYE
 SOL FLORES
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		


THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 2, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 20' for a proposed six-story, forty-four dwelling unit building with ground floor commercial space and on-site parking; 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: Rule Transfer IL, Inc.

CAL NO.: 110-17-S

APPEARANCE FOR: Anthony Casaccio

MINUTES OF MEETING:
March 17, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4102 W. Peterson Avenue

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

ACTION OF BOARD-
CASE CONTINUED TO APRIL 21, 2017.

THE VOTE

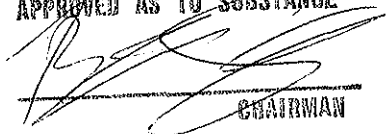
BLAKE SERCYE
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APR 24 2017

**CITY OF CHICAGO
ZONING BOARD OF APPEALS**

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Jeremy Hoeck **CAL NO.:** 111-17-Z
APPEARANCE FOR: Same as Applicant **MINUTES OF MEETING:**
March 17, 2017
APPEARANCE AGAINST: None
PREMISES AFFECTED: 3257 W. Crystal Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 31.17' to 28.5' for a proposed front two-story addition with a front open porch at the second level for the existing two-story, two dwelling unit building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

APR 24 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
 SOL FLORES
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 2, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 28.5' for a proposed front two-story addition with a front open porch at the second level for the existing two-story, two dwelling unit building; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

[Handwritten Signature]
 CHAIRMAN

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

APPLICANT: Da Macks Barbershop

CAL NO.: 112-17-S

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
March 17, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2203 W. Roscoe Street

NATURE OF REQUEST: Application for a special use to permit the establishment of a barber shop.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

APR 24 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 2, 2017; and

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

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

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

APPROVED AS TO SUBSTANCE
[Signature]
CHAIRMAN

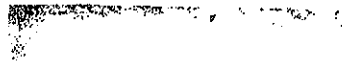
ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905

APPLICANT: Riklin Investments, Inc. **CAL NO.:** 113-17-Z
APPEARANCE FOR: Mark Kupiec **MINUTES OF MEETING:**
 March 17, 2017
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2125 W. Charleston Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 28' to 8'-6", west setback from 2' to zero (east to be 3'), combined side setback from 4'-8" to 3' for a proposed open stair to access a garage roof deck which shall also contain the relocated rear yard open space.

**ACTION OF BOARD-
 VARIATION GRANTED**

THE VOTE



APR 24 2017
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

BLAKE SERCYE
 SOL FLORES
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 2, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 8'-6", west setback to zero (east to be 3'), combined side setback to 3' for a proposed open stair to access a garage roof deck which shall also contain the relocated rear yard open space; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

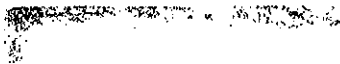
ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905

APPLICANT: Indigo Development, LLC Series D **CAL NO.:** 114-17-Z
APPEARANCE FOR: Mark Kupiec **MINUTES OF MEETING:** March 17, 2017
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1057 N. Wood Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 38.47' to 21.16' for a proposed open bridge to access a garage rooftop deck which shall also contain the relocated rear yard open space.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE



APR 24 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
 SOL FLORES
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 2, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 21.16' for a proposed open bridge to access a garage rooftop deck which shall also contain the relocated rear yard open space; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

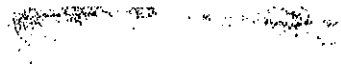
ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905

APPLICANT: 2901 W. Belden, LLC **CAL NO.:** 115-17-Z
APPEARANCE FOR: Mark Kupiec **MINUTES OF MEETING:**
APPEARANCE AGAINST: None March 17, 2017
PREMISES AFFECTED: 2901 W. Belden Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 42'-2" to 26' for an open stair/ bridge to access a proposed garage roof deck which shall also contain the relocated 156 square feet of rear yard open space.

**ACTION OF BOARD-
 VARIATION GRANTED**

THE VOTE



APR 24 2017

**CITY OF CHICAGO
 ZONING BOARD OF APPEALS**

BLAKE SERCYE
 SOL FLORES
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
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		X
X		
X		

THE RESOLUTION:

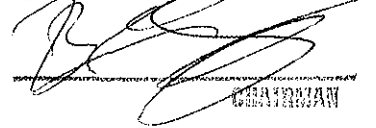
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 2, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 26' for an open stair/ bridge to access a proposed garage roof deck which shall also contain the relocated 156 square feet of rear yard open space; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE



 CHAIRMAN

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

APPLICANT: Garp Construction **CAL NO.:** 116-17-Z
APPEARANCE FOR: Mark Kupiec **MINUTES OF MEETING:**
March 17, 2017
APPEARANCE AGAINST: None
PREMISES AFFECTED: 720 N. Willard Court

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 30' to 21.17' for a proposed open stair and landing to access a proposed garage roof deck which shall also contain the relocated rear yard open space.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

APR 24 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
 SOL FLORES
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
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X		

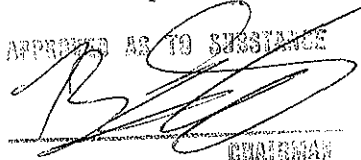
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 2, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 21.17' for a proposed open stair and landing to access a proposed garage roof deck which shall also contain the relocated rear yard open space; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

 CHAIRMAN

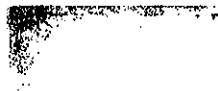
ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905

APPLICANT: Denny Development **CAL NO.:** 117-17-Z
APPEARANCE FOR: Thomas Moore **MINUTES OF MEETING:**
March 17, 2017
APPEARANCE AGAINST: None
PREMISES AFFECTED: 3312 N. Hamilton Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 34.7' to 2.33', north setback from 2' to 0.17' (south will be 2'), combined side setback from 5' to 2.17' for a proposed open stair to access a proposed garage roof deck on the existing garage.

**ACTION OF BOARD-
 VARIATION GRANTED**

THE VOTE



APR 24 2017
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

BLAKE SERCYE
 SOL FLORES
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 2, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 2.33', north setback to 0.17' (south will be 2'), combined side setback to 2.17' for a proposed open stair to access a proposed garage roof deck on the existing garage; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

 CHAIRMAN

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



Sonco Real Estate, LLC 2150 W Lawrence Series

APPLICANT

118-17-Z & 119-17-Z
CALENDAR NUMBERS

March 17, 2017
HEARING DATE

2150 W. Lawrence Avenue
PREMISES AFFECTED

ACTION OF BOARD

THE VOTE

The applications for the variations are approved.

	AFFIRMATIVE	NEGATIVE	ABSENT
Blake Sercye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sol Flores	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Amanda Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE VARIATION APPLICATION FOR 2150 W.
LAWRENCE BY SONCO REAL ESTATE, LLC 2150 W LAWRENCE SERIES**

I. BACKGROUND

Sonco Real Estate, LLC 2150 W Lawrence Series (the "Applicant") submitted variation applications for 2150 W. Lawrence Avenue (the "subject property"). The subject property is currently zoned B3-5 and is currently improved with a four-story building. The Applicant proposed to re-develop the subject property with a fifth floor addition to the existing four-story building. To permit the proposed development, the Applicant sought variations to: (1) reduce the rear setback from the required 30' to 3.84'; and (2) reduce the required off-street parking by no more than 20% from 59 spaces to 47 spaces.

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's variation application at its regular meeting held on March 17, 2017, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Sun-Times*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure, the Applicant had submitted its proposed Findings of Fact. The Applicant's manager Mr. Ja [redacted] and its attorney Mr. Warren Silver were

APR 24 2017

CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE

MEMBER

present. The Applicant's architect Mr. Brian Milbury was also present. Testifying in opposition to the applications was Ms. Ellie Pieri. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

The Applicant presented the lay testimony of Mr. Jack Korol, manager of the Applicant. Mr. Korol testified that the Applicant's applications met all the standards for a variation.

The Applicant presented the expert testimony of Mr. Brian Milbury, its architect. Mr. Milbury testified that the Applicant's proposed re-development of the subject property conformed with all aspects of the Chicago Zoning Ordinance with the exception of the two variations sought. Mr. Milbury further testified as to the Applicant's hardship with respect to the subject property.

Ms. Ellie Pieri, of 4821 N. Leavitt, testified in opposition to the application. Her opposition stemmed from her belief that the Applicant's proposed development would be detrimental to the neighborhood.

B. Criteria for a Variation

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

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

Pursuant to Section 17-13-1107-C of the Chicago Zoning Ordinance, in making its determination of whether practical difficulties or particular hardships exist, the Zoning Board of Appeals must take into consideration the extent to which evidence has been submitted substantiating the following facts: (1) the particular physical surroundings, shape or topographical condition of the specific property involved would result in a particular hardship upon the property owner as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out; (2) the conditions upon which the petition for a variation is based would not be applicable, generally, to other property within the same zoning classification; (3) the purpose of the variation is not based

exclusively upon a desire to make more money out of the property; (4) the alleged practical difficulty or particular hardship has not been created by any person presently having an interest in the property; (5) the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and (6) the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

III. FINDINGS OF FACT.

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

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

The subject property is too small to configure with both ground floor commercial space and sufficient off-street parking. Land-use development patterns in the neighborhood require ground floor commercial at this location. Strict compliance with the subject property's rear setback would also create practical difficulties or particular hardships for the subject property due to the existing building.

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

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

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

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

The existing building on the subject property prevents the Applicant from yielding a reasonable return if the Applicant's proposed re-development of the subject property was permitted only in accordance with the Chicago Zoning Ordinance. As Mr. Korvol testified, should the Applicant's applications be

denied, the alternatives for the Applicant are either to abandon residential re-use of the existing building or raze the existing building to the ground.

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

The existing building on the subject property and the land-use development patterns of the neighborhood are due to unique circumstances and not generally applicable to other similarly situated property.

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

The variations will not alter the essential character of the neighborhood. With respect to the request to reduce the rear setback, the Applicant's shadow study showed that there was insignificant difference between the shadows cast by the proposed re-development and what would be cast by an as-of-right development of the subject property. Further, the request to reduce the required on-site parking will not alter the essential character of the neighborhood as the subject property is within close proximity to public transportation.

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

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

The existing building on the subject property as well as the land-use development pattern of the neighborhood results in particular hardship upon the Applicant as distinguished from mere inconvenience, if the strict letter of the regulations were carried out.

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

Neither the existing building on the subject property nor the land-use development pattern of the neighborhood is generally applicable to property with a B3-5 zoning classification.

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

The variations are required so that the Applicant can yield a reasonable return on its investment and not based exclusively upon a desire to make more money out of the property.

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

The Applicant did not create the existing building on the subject property nor did it create the land-use pattern of the area surrounding the subject property.

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

As noted above, the Applicant's shadow study showed that there was insignificant difference between the shadows cast by the proposed re-development and what would be cast by an as-of-right development of the subject property. Further, the request to reduce required off-street parking will not substantially increase congestion in the public street due to the subject property's close proximity to public transportation.

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

The variation to reduce the rear setback will not impair an adequate supply of light and air to adjacent property. As noted above, the Applicant's shadow study showed that there was insignificant difference between the shadows cast by the proposed re-development and what would be cast by an as-of-right development of the subject property. Further, the request to reduce required off-street parking will not substantially increase congestion in the public street due to the subject property's close proximity to public transportation. Neither variation will increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood. On the contrary, due to the Applicant's re-development of the subject property, the requested variations will likely increase property values within the neighborhood.

IV. CONCLUSION

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

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

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

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

APPLICANT: Jose L. Cuevas Jr.

CAL NO.: 120-17-S

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
March 17, 2017

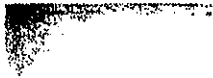
APPEARANCE AGAINST: None

PREMISES AFFECTED: 3610 W. North Avenue

NATURE OF REQUEST: Application for a special use to permit the establishment of a beauty salon.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE



APR 24 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 2, 2017; and

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

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

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

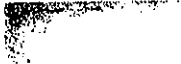
ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905

APPLICANT: 849 Condominium Association **CAL NO.:** 121-17-Z
APPEARANCE FOR: Sara Barnes **MINUTES OF MEETING:**
 March 17, 2017
APPEARANCE AGAINST: None
PREMISES AFFECTED: 849 N. Hoyne Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 31.2' to 2.17', north setback from 2' to zero, south setback from 2' to zero, combined side setback from 4.8' to zero for a bridge connection from the existing rear three-story porch to a proposed rooftop deck with two pergolas, which shall exceed 15' in height.

**ACTION OF BOARD-
 VARIATION GRANTED**

THE VOTE



APR 24 2017
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

BLAKE SERCYE
 SOL FLORES
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		

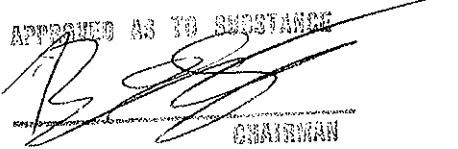
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 2, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 2.17', north setback to zero, south setback to zero, combined side setback to zero for a bridge connection from the existing rear three-story porch to a proposed rooftop deck with two pergolas, which shall exceed 15' in height; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

 CHAIRMAN

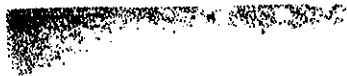
ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905

APPLICANT: Jing Yuan Ma **CAL NO.:** 122-17-S
APPEARANCE FOR: Mark Kupiec **MINUTES OF MEETING:**
APPEARANCE AGAINST: None March 17, 2017
PREMISES AFFECTED: 214 W. 22nd Place

NATURE OF REQUEST: Application for a special use to convert an existing Single Room Occupancy use to a hotel use.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE



APR 24 2017

CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
 SOL FLORES
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 2, 2017; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated February 7, 2017, prepared by Tech Team LLC.

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: Kimberly Buford-DBA Color Me Nail Bar

CAL NO.: 123-17-S

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
March 17, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1810 ½ W. 99th Street

NATURE OF REQUEST: Application for a special use to permit the establishment of a nail salon.

ACTION OF BOARD-
CASE CONTINUED TO APRIL 21, 2017.

THE VOTE

BLAKE SERCYE
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APR 24 2017

**CITY OF CHICAGO
ZONING BOARD OF APPEALS**

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Dan and Elizabeth Domont

CAL NO.: 124-17-Z

APPEARANCE FOR: Amy Degnan

MINUTES OF MEETING:
March 17, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3322 N. Kenmore Avenue

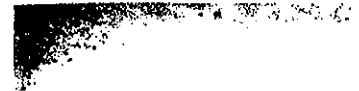
NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 37.28' to 1.41', north and south both from 2' to zero, combined side setback from 5' to zero for an open bridge to access a garage roof deck which shall have a pergola and contain the 201.95 square feet of relocated rear yard open space.

ACTION OF BOARD-
CASE CONTINUED TO MAY 19, 2017.

THE VOTE

BLAKE SERCYE
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		



APR 24 2017

CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE

[Handwritten Signature]
CHAIRMAN

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

APPLICANT: Josephine Gandonou Bryant **CAL NO.:** 125-17-S

APPEARANCE FOR: Natasha Holmes **MINUTES OF MEETING:**

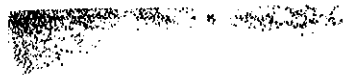
APPEARANCE AGAINST: None March 17, 2017

PREMISES AFFECTED: 8205 S. Cottage Grove Avenue

NATURE OF REQUEST: Application for a special use to permit the establishment of a beauty salon.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE



APR 24 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 2, 2017; and

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

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

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Mia Properties Acquisitions, LLC 7159 Grand Avenue **CAL NO.:** 126-17-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
March 17, 2017

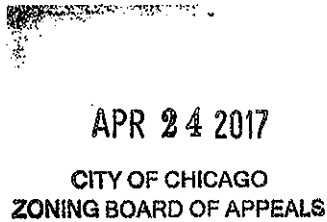
APPEARANCE AGAINST: None

PREMISES AFFECTED: 4111 N. Narragansett Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 50' to 12.08' for a proposed three-story, fifteen dwelling unit building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE


APR 24 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		

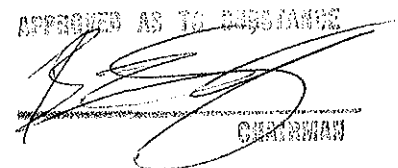
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 2, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 12.08' for a proposed three-story, fifteen dwelling unit building; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

 CHAIRMAN

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

APPLICANT: Mia Properties Acquisitions, LLC 7159 Grand Avenue

CAL NO.: 127-17-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
March 17, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4119 N. Narragansett Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 50' to 16.33' for a proposed three-story, fifteen dwelling unit building.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

APR 24 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by application in the Chicago Sun-Times on March 2, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 16.33' for a proposed three-story, fifteen dwelling unit building; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: South Kedzie 55, LLC **CAL NO.:** 128-17-S
APPEARANCE FOR: Richard Toth **MINUTES OF MEETING:**
March 17, 2017
APPEARANCE AGAINST: None
PREMISES AFFECTED: 5501 S. Kedzie Avenue

NATURE OF REQUEST: Application for a special use to permit the establishment of a one-lane drive through facility to serve a proposed fast food restaurant.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

APR 24 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
RECUSED		
X		

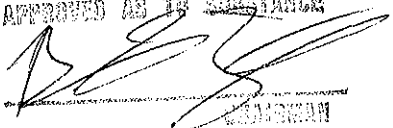
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 2, 2017; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the development is consistent with the design and layout of the site plan dated February 16, 2017, prepared by Design Studio 24, LLC, as well as the landscape plan dated March 9, 2017, prepared by Daniel Weinbach and Partners, Ltd.

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

APPROVED AS TO SUBSTANCE

ZONING ADMINISTRATOR

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

APPLICANT: Madeline O'Brien **CAL NO.:** 129-17-Z
APPEARANCE FOR: Same as Applicant **MINUTES OF MEETING:**
March 17, 2017
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2609 W. 102nd Street

NATURE OF REQUEST: Application for a variation to reduce the south setback from the required 7.2' to 4.04' (north to remain at 15.04'), combined side setback from 21.63' to 19.08' for a proposed rear two-story addition for the existing two-story, single family residence with an attached garage.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE


APR 24 2017
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

BLAKE SERCYE
 SOL FLORES
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
		X

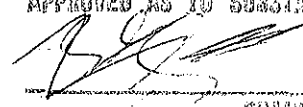
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 2, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the south setback to 4.04' (north to remain at 15.04'), combined side setback to 19.08' for a proposed rear two-story addition for the existing two-story, single family residence with an attached garage; an additional variance was granted to the subject site in Cal. No. 130-17-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

 CHAIRMAN

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

APPLICANT: Madeline O'Brien

CAL NO.: 130-17-Z

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
March 17, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2609 W. 102nd Street

NATURE OF REQUEST: Application for a variation to reduce the required parking spaces from two to one for a proposed single family residence with a proposed two-story rear addition and an attached garage.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

APR 24 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
		X

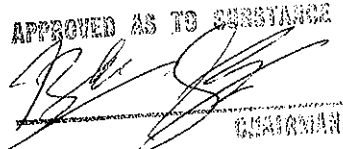
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 2, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the required parking spaces to one for a proposed single family residence with a proposed two-story rear addition and an attached garage; an additional variation was granted to the subject site in Cal. No. 129-17-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Anthony Kremer **CAL NO.:** 131-17-S
APPEARANCE FOR: Nicholas Ftikas **MINUTES OF MEETING:**
March 17, 2017
APPEARANCE AGAINST: None
PREMISES AFFECTED: 511 W. North Avenue

NATURE OF REQUEST: Application for a special use to permit the establishment of a veterinary office and boarding kennel.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE


APR 24 2017
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

BLAKE SERCYE
 SOL FLORES
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

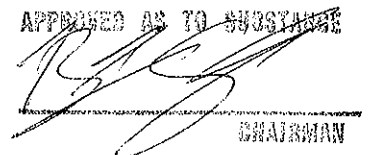
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 2, 2017; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated November 3, 2016, prepared by KLLM, Inc.

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



**2307 North Greenview – Condominium
Association**

APPLICANT

132-17-Z
CALENDAR NUMBER

March 17, 2017
HEARING DATE

2307 N. Greenview Avenue

PREMISES AFFECTED

ACTION OF BOARD

THE VOTE

The application for the
variation is denied.

Blake Sercye
Sol Flores
Sam Toia
Amanda Williams

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

**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE VARIATION APPLICATION FOR 2307 N.
GREENVIEW AVENUE BY 2307 NORTH GREENVIEW – CONDOMINIUM
ASSOCIATION**

I. BACKGROUND

2307 North Greenview – Condominium Association (the “Applicant”) submitted a variation application for 2307 N. Greenview Avenue (the “subject property”). The subject property is currently zoned RT-4 and is currently improved with a three-story, three-unit condominium building with a three-car detached garage. The Applicant proposed to build an open bridge to provide access to a proposed garage roof deck from the existing rear porch. To permit the proposed open bridge, the Applicant sought a variation to reduce the rear setback from the required 38.85’ to 20.66’.

II. PUBLIC HEARING

A. The Hearing

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

APR 24 2017

CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE

CHAIRMAN

Fact. The Applicant's representative Mr. Walter Bladek and its attorney Ms. Sara Barnes were present. The Applicant's architect Mr. John Hanna was also present. Testifying in opposition to the application were Ms. Amy Willy, Ms Sue VanWinkle, and Ms. Janice Reed. Mr. Steven Valenziano, Assistant Zoning Administrator for the City, also testified with respect to the application. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

The Applicant's attorney Ms. Sara Barnes presented and the ZONING BOARD OF APPEALS received into evidence Petitioner's Exhibit A, which were photographs depicting garage roof decks in the neighborhood.

The Applicant presented the lay testimony of Mr. Walter Bladek, its representative. Mr. Bladek testified that the proposed open bridge would preserve open space at grade for the three-unit condominium building. He testified that the proposed garage roof-deck would provide the residents of the building with additional open space. He testified that the proposed garage roof-deck would be for the exclusive use of the first floor condominium unit. He further testified that of the three condominium units, one had been sold and the other two units were currently being offered for sale.

The Applicant presented the expert testimony of Mr. John Hanna, its architect. Mr. Hanna testified that in his experience an open bridge to a garage roof deck took up less rear yard space than a stair to a garage roof deck. Mr. Hanna further testified that the bottom of the proposed bridge would be nine feet (9') above grade.

Ms. Amy Willy, of 2303 N. Greenview, testified in opposition to the application. She testified that though the neighborhood did have many garage roof decks and she did not object to the Applicant's proposed garage roof deck, the Applicant's proposed open bridge was substantially out of character with the existing properties along the same side of the street as the subject property. She presented and the ZONING BOARD OF APPEALS received into evidence Objectors' Group Exhibit A, which were photographs depicting the subject property. She testified that the proposed open bridge would substantially block light and movement of air in the neighborhood, and the proposed open bridge would cut across the greenspace that is required by the Chicago Zoning Ordinance. She further testified that the proposed open bridge would also be detrimental to privacy.

The ZONING BOARD OF APPEALS stated that it did not understand the Applicant's hardship argument with respect to open space because at most the Applicant would lose thirty feet (30) feet of ground space, and all units had a large deck.

Ms. Barnes stated that in putting in a stair to the garage roof deck, the Applicant would not be able to meet the subject property's open space requirement.

The ZONING BOARD OF APPEALS countered that the subject property's open space requirement could be relocated to the proposed garage roof deck.

Mr. Steven Valenziano, Assistant Zoning Administrator, testified that if the Applicant had designed its building with a typical rear porch, said rear porch would be closer with and parallel to the building resulting in greater rear yard open space. He further testified that a rear stair to access the proposed garage rooftop deck would not count against the Applicant's rear yard open space requirement due to the ordinance recently passed by Alderman Hopkins. He conceded that the ordinance had not yet been published and thus was not yet effective.

Ms. Sue VanWinkle, of 2309 N. Greenview, testified in objection to the application. She also tendered to the Board and the Board received into the record Objectors' Group Exhibit B. She testified that the open space at the rear of the subject property was gravel and thus she did not understand how a staircase in the rear yard would hinder gravel. She then testified that the proposed variation benefitted only the condo owner and not the rest of the homeowners in the neighborhood. She testified that the proposed bridge would negatively impact the character of the neighborhood.

In response to questions from the ZONING BOARD OF APPEALS regarding Objectors' Group Exhibits, Ms. Willy testified that the photograph showing "clutter" in the rear yard was a photograph of the Applicant's rear yard.

Ms. Barnes stated that the rear porch structure at the subject property had been built as of right.

Ms. Janice Reed, of 2243 N. Greenview, testified in opposition to the application. She testified that Applicant's rear porch structure completely blocked the previously open rear yards from Belden to Fullerton. She further testified that in the entire block there is not a rear porch structure nor an open bridge connecting a rear porch structure to a garage roof deck.

In closing, Ms. Barnes stated that the Applicant had a hardship because the Applicant had a three-story, three-unit building rather than a single-family home.

B. Criteria for a Variation

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

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

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

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

III. FINDINGS OF FACT.

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

1. *Strict compliance with the regulations and standards of the Chicago Zoning Ordinance would not create practical difficulties or particular hardships for the subject property.*

The Applicant could provide a stair to the proposed rooftop deck. The Applicant argued that such a proposed rooftop stair would cut against the Applicant's rear yard open space. However, the Applicant could relocate its rear yard open space onto the proposed roof deck as Mr. Bladek testified that the proposed roof deck's purpose was to provide additional open space to the subject property.

2. *The requested variation is not consistent with the stated purpose and intent of the Chicago Zoning Ordinance.*

The requested variation does not maintain orderly and compatible land use and development patterns as shown by Ms. Reed's testimony regarding the change to the rear yards on the block. The requested variation does not ensure adequate

light, air, privacy and access to property as very credibly testified to by Ms. Willy and Ms. Reed.

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

1. *The property in question can yield a reasonable return if permitted to be used only in accordance with the standards of the Chicago Zoning Ordinance.*

Mr. Bladek testified that one of the three units in the building had already been sold. Further, the Applicant could still provide a garage roof-top deck for the first floor unit by having said garage roof-deck accessed by a rear yard stair.

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

To the extent that the Applicant claimed its practical difficulty or particular hardship was that it would lose rear yard open space if it provided access to the proposed garage rooftop deck via rear yard stair, such an argument is generally applicable to all property with a garage roof deck. However, as stated by the ZONING BOARD OF APPEALS, under the Chicago Zoning Ordinance such rear yard open space can be relocated to the proposed garage roof-deck. To the extent the Applicant claimed its practical hardship or particular difficulty stemmed from the fact it had a three-unit building on the subject property rather than a single-family home, such hardship is self-created.

3. *The variation, if granted, will alter the essential character of the neighborhood.*

There are no open bridges on this side of the block on North Greenview as very credibly testified to by Ms. Willy and Ms. Reed. An open bridge would alter the essential character of the neighborhood. Ms. VanWinkle testified that the character of the neighborhood is open rear yards. The proposed variation would detrimentally alter this openness that is currently enjoyed by the neighborhood.

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

1. *The particular physical surroundings, shape or topographical condition of the specific property involved would not result in a particular hardship upon the property owner as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.*

The Applicant's argument that a stair accessing the proposed garage rooftop deck would decrease valuable rear yard open space is at most a mere inconvenience as the Applicant can relocate its rear yard open space onto the proposed garage roof deck.

2. *The conditions upon which the petition for the variation are based are applicable, generally, to other property within the same zoning classification.*

The subject property has a RT-4 zoning classification. Applicant's argument that it is a three-unit building and not a single-family home is an argument that is generally applicable to other properties within a RT-4 zoning classification. To the extent that the Applicant claimed its practical difficulty or particular hardship was that it would lose rear yard open space if it provided access to the proposed garage rooftop deck via rear yard stair, such an argument is generally applicable to other properties within a RT-4 zoning classification.

3. *The purpose of the variation is based exclusively upon a desire to make more money out of the property.*

As the open stair would only benefit the first-floor condominium unit owner, the proposed variation is based exclusively upon a desire to make more money out of the property. Should the variation be granted, the Applicant can sell the first-floor condominium unit for more money.

4. *The alleged practical difficulty or particular hardship has been created by the Applicant.*

The Applicant's attorney argued that the Applicant's hardship was that it had a three-unit condominium building rather than a single-family home. However, the Applicant *chose* to build a three-unit condominium building on the subject property. Likewise, the Applicant *chose* to design a building with a rear porch structure that was atypical and extended out into the space between the building and the garage. This extension decreased the subject property's rear yard open space. Therefore, to the extent that the fact that Applicant does not have enough rear yard open space to provide a rear yard stair to access the garage rooftop deck can be deemed a hardship, such hardship is self-created.

5. *The granting of the variation will be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.*

The proposed open stair will be detrimental to the public welfare and injurious to other property or improvements in the neighborhood. As Ms. Willy very credibly testified, the proposed open stair will overshadow her property.

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

The variation will impair an adequate supply of light and air to adjacent property as very credibly testified to by Ms. Willy, Ms. Van Winkle, and Ms. Reed. As shown by the photograph in Objectors' Exhibit B, the as-of-right rear porch structure already impairs an adequate supply of light and air to adjacent property. An open bridge would make the situation worse.

IV. CONCLUSION

For all of these reasons, the ZONING BOARD OF APPEALS finds that the Applicant has not proved its case by evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, covering the specific criteria for a variation pursuant to Sections 17-13-1107-A, B and C of the Chicago Zoning Ordinance.

The ZONING BOARD OF APPEALS hereby denies the Applicant's application for variation.

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

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

APPLICANT: Mangan Builders Inc.

CAL NO.: 133-17-Z

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:
March 17, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3856 N. Hamilton Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 34.75' to 2', north setback from 2.94' to 2', south from 2.94' to 0.75', combined setback from 7.34' to 2.75' for a proposed open stair to access a proposed garage rooftop deck on the existing three car garage.

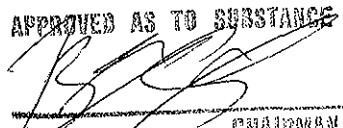
ACTION OF BOARD-
CASE CONTINUED TO MAY 19, 2017.

THE VOTE

BLAKE SERCYE
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APR 24 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Philip James Ltd.

CAL NO.: 134-17-S

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:
March 17, 2017

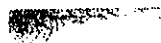
APPEARANCE AGAINST: None

PREMISES AFFECTED: 3828 N. Lincoln Avenue

NATURE OF REQUEST: Application for a special use to permit the establishment of a beauty salon.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE



APR 24 2017

CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 2, 2017; and

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

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

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Sacire Temely **CAL NO.:** 135-17-S
APPEARANCE FOR: Same as Applicant **MINUTES OF MEETING:**
March 17, 2017
APPEARANCE AGAINST: None
PREMISES AFFECTED: 8230 S. Cottage Grove Avenue
NATURE OF REQUEST: Application for a special use to permit the establishment of a hair braiding salon.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

APR 24 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
 SOL FLORES
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

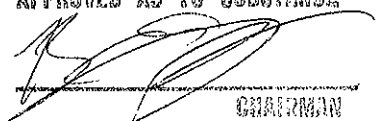
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 2, 2017; and

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

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

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

APPROVED AS TO SUBSTANCE

 CHAIRMAN

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

APPLICANT: Abdou Niang **CAL NO.:** 136-17-S
APPEARANCE FOR: Same as Applicant **MINUTES OF MEETING:**
March 17, 2017
APPEARANCE AGAINST: None
PREMISES AFFECTED: 5842 W. North Avenue
NATURE OF REQUEST: Application for a special use to permit the establishment of a hair braiding salon.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

[Stamp]

APR 24 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
 SOL FLORES
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 2, 2017; and

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

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

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

APPROVED AS TO SUBSTANCE

 CHAIRMAN

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

APPLICANT: Mani Properties, Inc. **CAL NO.:** 137-17-S
APPEARANCE FOR: Nicholas Ftikas **MINUTES OF MEETING:**
March 17, 2017
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1311 N. Western Avenue

NATURE OF REQUEST: Application for a special use to permit the establishment of a business live/work unit on the ground floor of an existing three-story, four dwelling unit building.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

APR 24 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		


THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 2, 2017; and

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

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

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: Peter McMahon **CAL NO.:** 138-17-S
APPEARANCE FOR: John Pikarski **MINUTES OF MEETING:**
March 17, 2017
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1955 N. Halsted Street

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

ACTION OF BOARD:
APPLICATION APPROVED

THE VOTE

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CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 2, 2017; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated July 21, 2016, prepared by 360 Design 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
121 North LaSalle Street
Chicago, Illinois 60602
TEL: (312) 744-3888



Dominic McGee
APPLICANT

139-17-Z
CALENDAR NUMBER

4812 W. Montrose Avenue
PREMISES AFFECTED

March 17, 2017
HEARING DATE

ACTION OF BOARD

THE VOTE

The application for the variation is approved.

	AFFIRMATIVE	NEGATIVE	ABSENT
Blake Sercye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sol Flores	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Amanda Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE VARIATION APPLICATION FOR 4812 W.
MONTROSE AVENUE BY DOMINIC MCGEE**

I. BACKGROUND

Dominic McGee (the "Applicant") submitted a variation application for 4812 W. Montrose Avenue (the "subject property"). The subject property is currently zoned B2-3 and is currently vacant. The Applicant proposed to develop the subject property with a three-story, sixteen dwelling unit building. To permit the proposed development, the Applicant sought a variation to reduce the west setback from the required 10' to 6.54'

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's variation application at its regular meeting held on March 17, 2017, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Sun-Times*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure, the Applicant had submitted its proposed Findings of Fact. The Applicant Mr. Dominic McGee and his attorney Mr. John Pikarski were present. The Applicant's architect Mr. Laszlo Simovic was also present. Testifying in opposition to the application was Mr. [REDACTED] Bank. The statements and testimony given

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CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE

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

The Applicant Mr. Dominic McGee testified that the Applicant's application met the standards for a variation.

The Applicant presented the expert testimony of Mr. Laszlo Simovic, his architect. Mr. Simovic testified that the Applicant's application met the standards for a variation.

Mr. Robert Bank, of 5506 N. Lotus, testified in objection to the application. His opposition stemmed from his belief that the reduction to the west side setback would be detrimental to the neighboring property. He further believed that the requested variation was a self-created hardship.

B. Criteria for a Variation

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

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

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

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

III. FINDINGS OF FACT.

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

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

The market conditions of the neighborhood dictated that the subject property be built with a mix of three bedroom and two bedroom units. The variation is required to allow for the internal configuration of the proposed building to allow for the three bedroom units.

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

The requested variation maintains a range of housing choices and options. It also accommodates growth and development.

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

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

If the variation were not granted, the Applicant would have to reconfigure the proposed building. This reconfiguration would result in losing a certain amount of square footage per residential unit. As Mr. McGee credibly testified, the variation is required so that the Applicant can obtain a reasonable rate of return on the proposed development.

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

The market conditions of the neighborhood are not generally applicable to other similarly situated property.

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

The neighborhood is primarily improved with multifamily residential buildings. The variation will allow the Applicant to build a multifamily residential building that will be similar to other multifamily residential buildings. Despite the requested reduction to the west setback, the rear of the proposed building will be 52' from the rear of the property.

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

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

The physical surroundings of the subject property – that is, the fact that the market conditions of the neighborhood dictate that the subject property be built with a mix of three bedroom and two bedroom units – results in particular hardship upon the Applicant as distinguished from mere inconvenience. If the Applicant were required to abide by the west setback, the Applicant would not be able to build residential units of sufficient size.

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

The subject property has a B2-3 zoning classification. Other property within the B2-3 zoning classification does not generally have market conditions that dictate a mix of three bedroom and two bedroom units.

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

The variation is not based exclusively upon a desire to make more money out of the property but rather a desire to build a building on the subject property that reflects market conditions in the neighborhood. The west setback reduction is necessary to create a viable floor plan for residential units.

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

The Applicant did not create the market conditions of the neighborhood.

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

The variation will allow the subject property to be developed in a similar fashion to the rest of the neighborhood. At present, the subject property is a neglected surface parking lot.

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

By code, the Applicant is required to maintain a minimum of 3' feet from the Applicant's building to the Applicant's property lines. The requested west setback reduction will maintain double this amount. Further, the Applicant's building will be set 52' from the rear property line. As testified to by the Applicant's architect Mr. Simovic, the Applicant's building will be code compliant.

IV. CONCLUSION

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

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

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

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

APPLICANT: 3628 W. George LLC

CAL NO.: 140-17-S

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:
March 17, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3628 W. George Street

NATURE OF REQUEST: Application for a special use to permit a residential ground floor expansion for a proposed rear two-story addition, a third floor addition, a three-story open porch and three unenclosed parking stalls for the existing two-story, two dwelling unit building being converted to a three dwelling unit building.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

APR 24 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 2, 2017; and

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

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

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

APPROVED AS TO SUBSTANCE

ZONING ADMINISTRATOR

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

APPLICANT: HSC Realty, LLC-LaSalle 1308

CAL NO.: 141-17-Z

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:
March 17, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1308 N. LaSalle Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 44.55' to 35', south setback from 2' to 1' (north to be 3'), combined side setback to be 4' for a proposed four-story, rear addition to an existing four-story, four dwelling unit building.

ACTION OF BOARD-
CASE CONTINUED TO APRIL 21, 2017.

THE VOTE

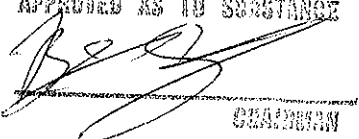
BLAKE SERCYE
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APR 24 2017

CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

APPLICANT: Mayra Barrera **CAL NO.:** 142-17-Z
APPEARANCE FOR: Same as Applicant **MINUTES OF MEETING:**
March 17, 2017
APPEARANCE AGAINST: None
PREMISES AFFECTED: 3841 W. 60th Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 34.9' to 25.9', the east set back from 4' to 1.88' for a combined side setback of 15.4' for a proposed roof projecting from the garage over the open patio.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

APR 24 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
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		X
X		
X		

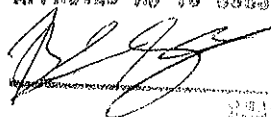
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 2, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 25.9', the east set back to 1.88' for a combined side setback of 15.4' for a proposed roof projecting from the garage over the open patio; 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: Generation Gaming, LLC Ricardo Flores

CAL NO.: 143-17-Z

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
March 17, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3044 N. Central Avenue

NATURE OF REQUEST: Application for a variation to permit the establishment of a public place of amusement license which shall be located within 125' of an RS-3 zoning district.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

APR 24 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		

THE RESOLUTION:

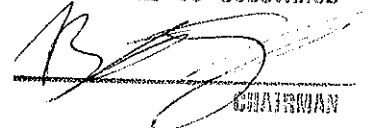
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 2, 2017; and

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

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

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Chicago Patrolmen's Federal Credit Union **CAL NO.:** 144-17-S
APPEARANCE FOR: George Arnold **MINUTES OF MEETING:** March 17, 2017
APPEARANCE AGAINST: None
PREMISES AFFECTED: 10339 S. Pulaski Road

NATURE OF REQUEST: Application for a special use to permit the establishment of a drive-through facility to serve a proposed credit union building.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

APR 24 2017
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

BLAKE SERCYE
 SOL FLORES
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		
X		

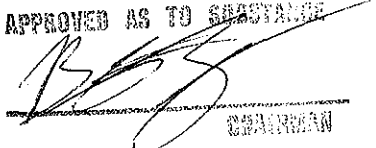
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 2, 2017; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the development is consistent with the design and layout of both the site plan and the landscape plan, dated March 13, 2017, prepared by Cordogan Clark and Associates Inc.

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 J. Ford

CAL NO.: 145-17-S

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
March 17, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 714 W. 115th Street, Suite B

NATURE OF REQUEST: Application for a special use to permit the establishment of a barber shop.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

APR 24 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
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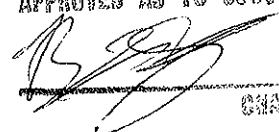
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 2, 2017; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the development is consistent with the design and layout of both the site plan and the landscape plan, dated March 13, 2017, prepared by Cordogan Clark and Associates Inc.

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: Legacy Tattoo, LLC

CAL NO.: 146-17-S

APPEARANCE FOR: Kenneth Sain

MINUTES OF MEETING:
March 17, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2828 N. Milwaukee Avenue

NATURE OF REQUEST: Application for a special use to permit the establishment of a tattoo and body piercing facility.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

APR 24 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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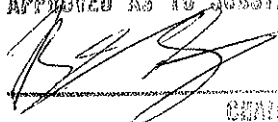
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 2, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a tattoo and body piercing 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 site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

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

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

ZONING BOARD OF APPEALS
CITY OF CHICAGO

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



Michele Adekola
APPLICANT

147-17-Z
CALENDAR NUMBER

10237 S. Forest Avenue
PREMISES AFFECTED

March 17, 2017
HEARING DATE

ACTION OF BOARD

THE VOTE

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

Blake Sercye
Sol Flores
Sam Toia
Amanda Williams

AFFIRMATIVE	NEGATIVE	ABSENT
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE VARIATION APPLICATION FOR 10237 S.
FOREST AVENUE BY MICHELE ADEKOLA**

I. BACKGROUND

Michele Adekola (the "Applicant") submitted a variation application for 10237 S. Forest Avenue (the "subject property"). The subject property is currently zoned RS-2 and is currently improved with a single-family home. The Applicant built a steel iron fence and gate that exceeded 6' in height. The Applicant also built a rear two-story addition. Both the fence and addition were built without permits. The Applicant sought a variation to reduce the rear setback from 35' to 4.45' and the combined setback from 9' to 0' to legalize the both the fence and gate as well as the rear two-story addition.

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's variation application at its regular meeting held on March 17, 2017, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Sun-Times*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure, the Applicant had submitted its proposed Findings of Fact. The Applicant Ms. Michele Adekola, her husband Mr. Ryan Russell and her attorney Mr. Thomas S. Moore were present. The Applicant's architect Mr. Richard Kasemsarn was also present. Testifying in opposition to the application was Ms.

APR 24 2017

CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE

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

Ms. Adekola testified as to history of the both the fence and the addition, including the City of Chicago's ("City") citation of both. She further testified that with respect to the addition, it is not visible from the front of the home and does not negatively affect the surrounding property.

The Applicant presented the expert testimony of Mr. Richard Kasemsarn, her architect. Mr. Kasemsarn testified that he had been hired by the Applicant after she had been cited by the City. He testified that if the requested variations were granted, the subject property would be in full compliance with all codes and ordinances of the City. He further testified that had he been involved in the addition from the beginning, he would have advised the Applicant to locate the addition within the setback.

Ms. Vernetta Rucker, of 10228 S. Calumet, testified in opposition to the application. Her opposition stemmed from her belief that the addition was not in character with the rest of the neighborhood. She argued that the addition – made as it was out of shipping containers – did not conform to the neighborhood's existing architecture and would negatively affect property values.

In response to Ms. Rucker's testimony, Mr. Kasemsarn further testified that the addition could not be seen from the front of the subject property. Further, he testified that the addition could be painted any color and could be cladded with materials that are similar to the Applicant's pre-addition home. He testified that all concerns raised by Ms. Rucker were aesthetic concerns and that the shipping container addition itself was quite durable and strong and that there were no safety issues. He further testified that when discussing character of a neighborhood, most people focused on the façade. In this case, he testified, the façade of the subject property was being maintained.

Mr. Moore, the Applicant's attorney, stated that the ZONING BOARD OF APPEALS could put in its decision that the Applicant clad the shipping containers with another material.

Mr. Ryan Russell, the Applicant's husband, testified as to the steps he took when building the shipping container addition.

B. Criteria for a Variation

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

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

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

III. FINDINGS OF FACT.

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

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

The fence and addition have already been built on the subject property. To demolish the fence and relocate the addition would result in practical difficulties or particular hardships.

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

The requested variation maintains orderly and compatible land use and development patterns, ensures adequate light, air, privacy and access to property, and promotes rehabilitation and reuse of older buildings.

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

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

Moving the addition would require a crane. To require the Applicant to demolish the fence and move the addition would be very expensive and make it so that the property could not yield a reasonable return.

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

The unique circumstances of the already built fence and rear addition are not generally applicable to other similarly situated property.

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

The variation will not alter the essential character of the neighborhood. The fence has existed at the subject property for many years. The rear addition is not visible from the front of the subject property. Furthermore, due to the condition imposed by the ZONING BOARD OF APPEALS, the shipping container additional will be clad in materials that are similar to the Applicant's pre-addition home.

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

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

If the strict letter of the regulations were carried out, the already-existing fence and rear addition result in particular hardship upon the Applicant as distinguished from a mere inconvenience.

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

The already-existing fence and rear addition are not conditions applicable, generally, to other property in the RS-2 zoning classification.

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

The variation is not based exclusively upon a desire to make more money out of the property but rather a desire to legalize the Applicant's existing fence and rear addition.

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

The Applicant hired a contractor to build the fence. Mr. Russell did attempt to build the rear addition in compliance with all City codes. In fact, he obtained an electrical permit for the rear addition.

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

The fence has existed at the subject property for many years. The rear addition is not visible from the front of the subject property. Furthermore, due to the condition imposed by the ZONING BOARD OF APPEALS, the shipping container addition will be clad in materials that are similar to the Applicant's pre-addition home.

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

The variation will not impair an adequate supply of light and air to adjacent property or increase congestion in the public streets. As Mr. Kasernman testified, once the variation is granted, the rear addition and fence will comply with all City codes. Further, there are no safety issues with respect to the shipping container addition itself.

IV. CONCLUSION

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

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

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

1. The façade of the shipping container addition shall be made to look like the façade of the Applicant's pre-addition home.

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: 956 N. Noble, LLC **CAL NO.:** 148-17-Z
APPEARANCE FOR: Nicholas Ftikas **MINUTES OF MEETING:**
APPEARANCE AGAINST: None March 17, 2017
PREMISES AFFECTED: 1418 W. Fillmore Street

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 6.17' to 2.5', the rear setback from 30' to 23.5' for six front open balconies for the existing three-story, six dwelling and an open landing from the rear of the building to access a proposed garage roof top deck.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

APR 24 2017
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

BLAKE SERCYE
 SOL FLORES
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
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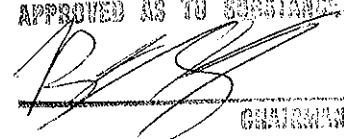
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 2, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the front setback to 2.5', the rear setback to 23.5' for six front open balconies for the existing three-story, six dwelling and an open landing from the rear of the building to access a proposed garage roof top deck; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

 CHIEF CLERK

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

APPLICANT: Claremont 2165 LLC

CAL NO.: 149-17-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
March 17, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2165 N. Claremont Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 30' to 2', north setback from 3.68' to zero, south from 3.68' to zero, combined setback from 9.2' to zero for a proposed three-story, four dwelling unit building with open porch with a connection to the proposed garage roof deck of the proposed garage.

ACTION OF BOARD-
CASE CONTINUED TO APRIL 21, 2017.

THE VOTE

BLAKE SERCYE
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
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APR 24 2017

CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE

[Signature]
CHAIRMAN

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

APPLICANT: Twisted Scissors, LLC **CAL NO.:** 150-17-S
APPEARANCE FOR: Same as Applicant **MINUTES OF MEETING:**
March 17, 2017
APPEARANCE AGAINST: None
PREMISES AFFECTED: 3049 N. Milwaukee Avenue

NATURE OF REQUEST: Application for a special use to permit the establishment of a beauty salon.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

APR 24 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
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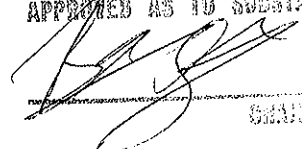
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 2, 2017; and

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

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

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 1726 W. Augusta Blvd.

CAL NO.: 151-17-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
March 17, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1726 W. Augusta Boulevard

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 30' to 21.33' for a proposed open bridge to access a garage roof top deck which shall also have in increase in the maximum area of an accessory building by no more than 10% from 480 square feet to 483.33 square feet.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

APR 24 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
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THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 2, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 21.33' for a proposed open bridge to access a garage roof top deck which shall also have in increase in the maximum area of an accessory building by no more than 10% from 480 square feet to 483.33 square feet; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE
[Signature]
SECRETARY

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

APPLICANT: 1752 W. Augusta Blvd. **CAL NO.:** 152-17-Z
APPEARANCE FOR: Nicholas Ftikas **MINUTES OF MEETING:**
 March 17, 2017
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1752 W. Augusta Boulevard

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 33.45' to 2', west setback from 2' to zero (east to be zero), combined side setback from 5' to zero for an open bridge on the rear open porch to access a garage roof top deck.

**ACTION OF BOARD-
 VARIATION GRANTED**

THE VOTE

APR 24 2017
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

BLAKE SERCYE
 SOL FLORES
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 2, 2017; and

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

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

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

APPROVED AS TO SUBSTANCE

 CHIEF CLERK

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

APPLICANT: Paul Ustrzynski

CAL NO.: 153-17-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
March 17, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2324 W. Lyndale Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 30' to 23.46' for an open stair to access a proposed garage roof deck.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

APR 24 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SOL FLORES
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AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
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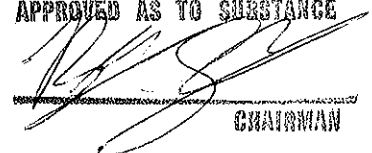
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 2, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 23.46' for an open stair to access a proposed garage roof top deck; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Celestial Church of Christ Bethel Parish

CAL NO.: 154-17-S

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:

March 17, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2513 W. Peterson Avenue

NATURE OF REQUEST: Application for a special use to permit the establishment of a forty-five seat religious assembly with eight on-site parking spaces.

ACTION OF BOARD-
CASE CONTINUED TO MAY 19, 2017.

THE VOTE

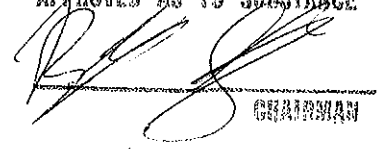
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AFFIRMATIVE	NEGATIVE	ABSENT
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APR 24 2017

CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

APPLICANT: 2448 N. Lincoln, LLC
APPEARANCE FOR: Rolando Acosta
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2454 N. Lincoln Avenue

CAL NO.: 155-17-S
MINUTES OF MEETING:
 March 17, 2017

NATURE OF REQUEST: Application for a special use to permit the reduction of the required twenty-two to six on-site parking spaces for a proposed four-story retail and twenty-two residential unit building. The site is located within 620' of a CTA train station entrance.

ACTION OF BOARD-
 APPLICATION APPROVED

THE VOTE

APR 24 2017
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

BLAKE SERCYE
 SOL FLORES
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
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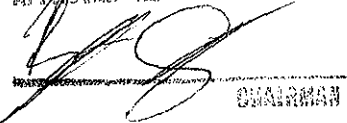
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 2, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce parking from the required twenty-two to six on-site parking spaces for a proposed four-story retail and twenty-two residential unit building. The site is located within 620' of a CTA train station entrance 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; a variance was also granted to the subject site in Cal. No. 156-17-Z; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): on the condition that the applicant provides a minimum of 22 bicycle parking spaces, subject to the regulations of the Section 17-10-0302 of the Chicago Zoning Ordinance within the proposed development.

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: 2448 N. Lincoln, LLC

CAL NO.: 156-17-Z

APPEARANCE FOR: Rolando Acosta

MINUTES OF MEETING:
March 17, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2454 N. Lincoln Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback at the residential level from the required 30' to 2' for a proposed four-story retail twenty-two residential unit building. The building shall be located within 620' of a CTA station entrance.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

APR 24 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 2, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; applicant shall be permitted to reduce the rear setback at the residential level to 2' for a proposed four-story retail twenty-two residential unit building. The building shall be located within 620' of a CTA station entrance; a special use was also granted to the subject site in Cal. No. 155-17-S; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

Handwritten signature and official stamp in the bottom right corner.

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

APPLICANT: 2462 N. Lincoln, LLC **CAL NO.:** 158-17-Z
APPEARANCE FOR: Rolando Acosta **MINUTES OF MEETING:**
March 17, 2017
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2462 N. Lincoln Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 30' to 7' for a proposed four-story building with retail on the ground floor and nine dwelling units above with two on-site parking spaces on the ground level.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

APR 24 2017
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

BLAKE SERCYE
 SOL FLORES
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
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THE RESOLUTION:

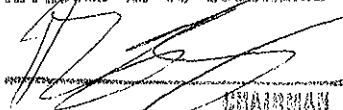
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 2, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; applicant shall be permitted to reduce the rear setback to 7' for a proposed four-story building with retail on the ground floor and nine dwelling units above with two on-site parking spaces on the ground level; 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: Mary Ryan

CAL NO.: 159-17-S

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
March 17, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 10215 S. Western Avenue

NATURE OF REQUEST: Application for a special use to permit the establishment of a hair salon.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

APR 24 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
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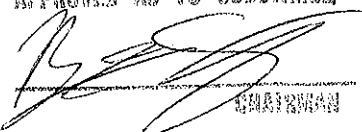
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 2, 2017; and

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

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

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Brandon Ackley **CAL NO.:** 160-17-Z

APPEARANCE FOR: John Fritchey **MINUTES OF MEETING:**

APPEARANCE AGAINST: None March 17, 2017

PREMISES AFFECTED: 3627 N. Hamilton Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from 34.78' to 2', south setback from 2.56' to zero, north from 2.56' to 2.5', combined from 6.4' to 2.5' for a proposed open stair to access a garage rooftop deck.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

APR 24 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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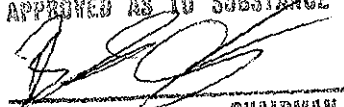
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 2, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; applicant shall be permitted to reduce the rear setback to 2', south setback to zero, north to 2.5', combined to 2.5' for a proposed open stair to access a garage rooftop deck; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Stephen & Kimberly Moffat **CAL NO.:** 161-17-Z
APPEARANCE FOR: Thomas Moore **MINUTES OF MEETING:**
March 17, 2017
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2132 N. Dayton Street

NATURE OF REQUEST: Application for a variation to reduce the rear set back from the required 35' to 16.83', north setback from 2' to zero (south to be at 0.07') for a proposed third floor front dormer addition, bay window additions, rear one story addition and a connector roof walkway with an open stair to access the proposed garage roof top deck.

**ACTION OF BOARD-
 VARIATION GRANTED**

THE VOTE

APR 24 2017
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

BLAKE SERCYE
 SOL FLORES
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
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X		
X		

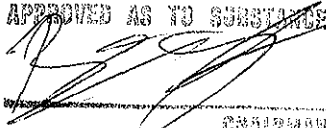
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 2, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; applicant shall be permitted to reduce the rear set back to 16.83', north setback to zero (south to be at 0.07') for a proposed third floor front dormer addition, bay window additions, rear one story addition and a connector roof walkway with an open stair to access the proposed garage roof top deck; an additional variance was granted to the subject site in Cal. No. 162-17-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

 CHAIRMAN

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

APPLICANT: Stephen & Kimberly Moffat

CAL NO.: 162-17-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
March 17, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2132 N. Dayton Street

NATURE OF REQUEST: Application for a variation for an increase in the height of up to 7% from 37' to 39.25' for a proposed third floor front dormer addition, bay window additions, rear one story addition and a connector roof walkway with an open stair to access the proposed garage roof top deck.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

APR 24 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		


THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 2, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; applicant shall be permitted to increase the height of up to 7% to 39.25' for a proposed third floor front dormer addition, bay window additions, rear one story addition and a connector roof walkway with an open stair to access the proposed garage roof top deck; an additional variation was granted to the subject site in Cal. No. 161-17-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



Debby Tsao
APPLICANT

**603-16-Z, 604-16-Z &
605-16-Z**
CALENDAR NUMBERS

1113-19 S. Loomis & 1119 S. Loomis
PREMISES AFFECTED

March 17, 2017
HEARING DATE

ACTION OF BOARD

THE VOTE

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

Blake Sercye
Sol Flores
Sam Toia
Amanda Williams

AFFIRMATIVE	NEGATIVE	ABSENT
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<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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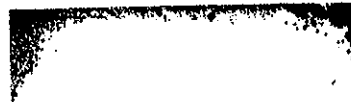
**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE VARIATION APPLICATIONS FOR 1113-19 S
LOOMIS AND 1119 S. LOOMIS BY DEBBY TSAO**

I. BACKGROUND

Debby Tsao (the "Applicant") submitted a variation application for 1113-19 S. Loomis Street (the "existing property") and 1119 S. Loomis Street (the "new property"). The existing property is currently zoned RM-4.5 and is currently improved with a three-story building with six residential units (the "existing building"). There is onsite parking for six cars at the rear of the lot. The Applicant proposed to split the existing property into two zoning lots. The existing building would remain on the existing property and would have the address 1113-15 S. Loomis. The new property would be developed with a new three-story, three residential building. To permit the subdivision of the existing property into two zoning lots, the Applicant sought a variation to reduce the south setback from the required 5' to 4.21' and the combined side setback from 10.8' to 4.21'. To permit the proposed development of the new property, the Applicant sought: (1) a variation to reduce the north setback from the required 4.9' to 4.0', the south setback from 5' to 2', the combined side setback from 9.8' to 6', and the front setback from Loomis Street from 9' to 3.67'; and (2) a variation to reduce the required rear yard open space from the required 238.87 square feet to zero.

II. PUBLIC HEARING

A. The Hearing



APR 24 2017

CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE

CHAIRMAN

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's variation application at its regular meeting held on March 17, 2017, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Sun-Times* and as continued without further notice pursuant to Section 17-13-0108-A of the Chicago Zoning Ordinance. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure, the Applicant had submitted its proposed Findings of Fact. The Applicant Ms. Debby Tsao and her attorney Mr. Nick Ftikas were present. The Applicant's architect Mr. Edward Yung and her traffic consultant Mr. Michael Werthman were also present. Testifying in opposition to the application was Mr. Michael Phillips. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

Ms. Debby Tsao testified as to her plan of proposed development for the existing property.

The Applicant presented the expert testimony of Mr. Ed Yung, her architect. He testified the existing property measured 103' by 75'. Mr. Yung testified as his program of development for the existing property. He further testified as to how the Applicant's applications met all standards for a variation.

Mr. Michael Phillips, of 1351 W. Grenshaw, testified in opposition to the applications. His opposition stemmed from his belief that the Applicant's proposed driveway for the new development would be dangerous. He further opposed the applications due to his belief that the Applicant's proposed development would severely reduce greenspace and place his own house in shadow.

The Applicant presented the further testimony of Mr. Yung. Mr. Yung further testified that the rear of the new building on the new property would be 22' from the rear property line, ensuring that there would be sufficient light and air to adjacent properties.

The Applicant presented the expert testimony of Mr. Michael Werthman, her traffic consultant. Mr. Werthman testified that the Applicant's proposed driveway has been designed to provide efficient and orderly access with limited impact on the vehicle and pedestrian circulation in the area. He testified that in his opinion, the proposed driveway would not endanger public safety and would not substantially increase congestion in the public streets.

B. Criteria for a Variation

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

particular hardships; and (2) the requested variation is consistent with the stated purpose and intent of the Chicago Zoning Ordinance.

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

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

III. FINDINGS OF FACT.

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

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

The existing property measures only 103' by 75'. Moreover, there is the existing building on the existing property. If the Applicant had to strictly comply with the regulations and standards of the Chicago Zoning Ordinance, this short lot width and depth would create practical difficulties or particular hardships for the subject property.

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

The requested variations allow for orderly and compatible land use and development patterns, as well as provide a range of housing choices and options.

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

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

Nearly half of the existing property will remain vacant and unimproved if permitted to be used only in accordance with the standards of the Chicago Zoning Ordinance.

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

The existing property dimensions of only 103' by 75' as well as the existing building on the existing property are practical difficulties or particular hardships that are not generally applicable to other similarly situated property.

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

The proposed development on the new property will contain three residential units and three parking spaces while the existing building and its parking spaces will remain unaltered. There are a number of multi-unit residential buildings in the area. As Mr. Yung very credibly testified, the proposed development will have 22' of separation between the rear of the new building and the rear lot line, ensuring there is enough light and air to adjacent properties. Further, as Mr. Werthman very credibly testified, the new driveway for the proposed development will have limited impact on the vehicle and pedestrian circulation in the area.

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

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

The existing property dimensions of only 103' by 75' as well as the existing building on the existing property result in particular hardship upon the Applicant as both the property dimensions and the existing building keep her from developing nearly half of the existing property.

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

The existing property dimensions of only 103' by 75' as well as the existing building are not generally applicable to other property in the RM-4.5 zoning classification.

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

The variations are not based exclusively upon a desire to make more money out of the existing property but rather a desire to develop the new property. Without the variations, the new property would remain unbuildable.

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

The Applicant did not create the existing property dimensions of only 103' by 75'. She also did not create the existing building as the existing building is over 100 years old.

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

As very credibly testified to by Mr. Yung and Mr. Werthman, the requested variations will not be detrimental to the public welfare of injurious to other property or improvements in the neighborhood. The requested variations will allow the existing property to be subdivided into two zoning lots. The proposed development on the new property will be consistent and compatible with the other multi-unit residential buildings in the immediate area.

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

The variations will not impair an adequate supply of light and air to adjacent property as very credibly testified to by Mr. Yung. There will be 8.5' between the existing building and the new building. There will be 22' between the rear of the new building and the rear property line. The variations will not substantially increase the congestion in the public streets or endanger public safety as very credibly testified to by Mr. Werthman. The variations will also not increase the danger of fire and will not substantially diminish or impair property values within the neighborhood.

IV. CONCLUSION

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

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

1. A permeable pavement shall be added to no less than half of the proposed driveway at 1119 S. Loomis; and
2. The 8' of green space between the existing building at 1113-15 S. Loomis and the proposed building at 1119 S. Loomis shall include grass and shrubbery.

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: Kasia Milon DBA Kismet Beauty Lounge

CAL NO.: 11-17-S

APPEARANCE FOR: Thomas Boundas

MINUTES OF MEETING:
March 17, 2017

APPEARANCE AGAINST: None

PREMISES AFFECTED: 6858 W. Archer Avenue

NATURE OF REQUEST: Application for a special use to permit the establishment of a beauty salon.


ACTION OF BOARD-
CASE CONTINUED TO MAY 19, 2017.

THE VOTE

BLAKE SERCYE
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APR 24 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 3462 N. Lincoln Avenue

CAL NO.: 44-17-Z

APPEARANCE FOR: Katrina McGuire

MINUTES OF MEETING:
March 17, 2017

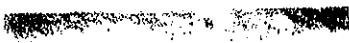
APPEARANCE AGAINST: None

PREMISES AFFECTED: 3462 N. Lincoln Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear yard setback from the required 30' to 4' on floors containing dwelling units for a proposed four-story building with ground floor retail and eighteen dwelling units above and eight on-site unenclosed parking spaces.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE



APR 24 2017

CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on January 20, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 5, 2017; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; applicant shall be permitted to reduce the rear yard setback to 4' on floors containing dwelling units for a proposed four-story building with ground floor retail and eighteen dwelling units above and eight on-site unenclosed 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: McDonald's USA, LLC **CAL NO.:** 49-17-S
APPEARANCE FOR: Tim Hinchman **MINUTES OF MEETING:**
March 17, 2017
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2315 W. Ogden Avenue

NATURE OF REQUEST: Application for a special use to permit the establishment of a drive-through to serve a proposed fast food restaurant.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

APR 24 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
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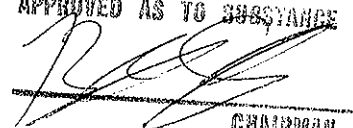
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on February 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on February 2, 2017; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the development is consistent with the design and layout of the site plan and the landscape plan, both dated February 7, 2017 and prepared by Watermark Engineering Resources, Ltd.

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Iron Heritage, LLC

CAL NO.: 59-17-S

APPEARANCE FOR: Warren Silver

MINUTES OF MEETING:
March 17, 2017

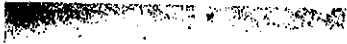
APPEARANCE AGAINST: None

PREMISES AFFECTED: 4025 N. Damen Avenue

NATURE OF REQUEST: Application for a special use to permit the establishment of a barber shop.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE



APR 24 2017
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on February 17, 2017 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on February 2, 2017; and

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

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

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



Cloud Property Management, LLC 1902 Series
APPLICANT

64-17-Z & 65-17-Z
CALENDAR NUMBERS

**February 17, 2017
& March 17, 2017**
HEARING DATES

1902 W. Cullerton
PREMISES AFFECTED

ACTION OF BOARD

THE VOTE

The applications for the variations are approved.

	AFFIRMATIVE	NEGATIVE	ABSENT
Blake Sercye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sol Flores	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Amanda Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE VARIATION APPLICATIONS FOR 1902 W.
CULLERTON BY CLOUD PROPERTY MANAGEMENT, LLC 1902 SERIES**

I. BACKGROUND

Cloud Property Management, LLC 1902 Series (the "Applicant") submitted a variation application for 1902 W. Cullerton (the "subject property"). The subject property is currently zoned RM-6 and is improved with an existing three-story, three dwelling unit building and a rear coach house. The Applicant proposed to re-develop the existing three-story building from a three dwelling unit building to a six dwelling unit building (the coach house will remain unaltered). To permit the proposed re-development the Applicant requested: (1) a variation to reduce the rear yard open space from the required 252 square feet to zero; and (2) a variation reduce the required off-street parking from three parking spaces to zero.

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's variation application at its regular meeting held on February 17, 2017, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Sun-Times*, and as continued without further notice in accordance with Section 17-13-0107-B at its regular meeting held on March 17, 2017.

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CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE

CHAIRMAN

In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure, the Applicant had submitted its proposed Findings of Fact. A member of the Applicant Mr. Teofil Scorte and the Applicant's attorney Mr. Thomas S. Moore were present. The Applicant's architect Mr. Oscar Alba and its land planner Mr. Kyle Smith were also present. Testifying in opposition to the applications was Mr. Mario Maldonado. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

The Applicant presented the lay testimony of Mr. Teofil Scorte, member of the Applicant. Mr. Scorte testified to the Applicant's proposed program of re-development at the subject property.

Mr. Mario Maldonado, of 1905 W. 19th Street, testified in opposition to the applications. His opposition stemmed from his belief that the Applicant's proposed program of re-development at the subject property would cause further traffic congestion in the area.

The Applicant presented the expert testimony of Mr. Kyle Smith, its land planner. Mr. Smith testified that, in his opinion, waiver of the required three (3) parking spaces would not have any negative impact on the surrounding area.

The Applicant presented the expert testimony of Mr. Oscar Alba, its architect. Mr. Alba testified as to how the Applicant's applications met the standards for variation.

B. Criteria for a Variation

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

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

Pursuant to Section 17-13-1107-C of the Chicago Zoning Ordinance, in making its determination of whether practical difficulties or particular hardships exist, the Zoning Board of Appeals must take into consideration the extent to which evidence has been submitted substantiating the following facts: (1) the particular physical surroundings,

shape or topographical condition of the specific property involved would result in a particular hardship upon the property owner as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out; (2) the conditions upon which the petition for a variation is based would not be applicable, generally, to other property within the same zoning classification; (3) the purpose of the variation is not based exclusively upon a desire to make more money out of the property; (4) the alleged practical difficulty or particular hardship has not been created by any person presently having an interest in the property; (5) the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and (6) the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

III. FINDINGS OF FACT.

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

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

The subject property is currently improved with not only a three-story building but also a coach house. Both buildings date from 1894 and are nonconforming. As the two nonconforming buildings take up the majority of the subject property, there is no room for parking spaces or rear yard open space.

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

The requested variations promote the rehabilitation and reuse of older buildings as well as help maintain a range of housing choices and options.

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

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

Due to nonconforming 1894 buildings, the property in question cannot be renovated without the requested variations and therefore cannot yield a reasonable return if permitted to be used only in accordance with the standards of the Chicago Zoning Ordinance.

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

The nonconforming 1894 buildings are unique circumstances and not generally applicable to other similarly situated property.

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

The nonconforming buildings have been on the subject property since 1894. Only the interior configuration of the three-story building will change and, as very credibly testified to by Mr. Smith, the waiver of the parking spaces for the additional three dwelling units will not adversely impact the neighborhood. The subject property is within 1320 feet from the a Chicago Transit Authority ("CTA") station.

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

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

If the strict letter of the regulations were carried out, the 1894 nonconforming buildings that cover the majority of the subject property result in particular hardship to the Applicant as distinguished from mere inconvenience. Without the requested variations, the Applicant could not renovate the subject property.

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

The subject property has a RM-6 zoning classification. Nonconforming buildings from 1894 are not conditions applicable, generally, to other property with a RM-6 zoning classification.

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

The variations are not based exclusively upon a desire to make more money out of the subject property but rather to re-develop the existing three-story building on the subject property.

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

The Applicant did not create the nonconforming buildings on the subject property as they date from 1894.

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

The subject property currently does not meet its required rear yard open space requirements. The subject property also currently has no on-site parking. Therefore, the requested variations will not alter the existing topographical condition of the subject property. Since the existing topographical condition of the subject property has existed since 1894, the granting of the variations will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

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

The variations will not impair an adequate supply of light and air to adjacent property because the variations will not alter the current topographical condition of the subject property. Further, as very credibly testified to by Mr. Smith, the variations will not substantially increase congestion in the public streets. The variations will not increase the danger of fire or endanger the public safety or impair property values within the neighborhood because the variations will not alter the current topographical condition of the subject property.

IV. CONCLUSION

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

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

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

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



Carolyn Tsiotsios
APPLICANT

74-17-S
CALENDAR NUMBER

2008 S. Prairie
PREMISES AFFECTED

March 17, 2017
HEARING DATE

ACTION OF BOARD

THE VOTE (SPECIAL USE)

The application for the special use is denied due to the application's failure to receive three concurring votes.

	AFFIRMATIVE	NEGATIVE	ABSENT
Blake Sercye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sol Flores	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Amanda Williams	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**THE RESOLUTION OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE SPECIAL USE APPLICATION FOR 2008 S.
PRAIRIE BY CARLYON TSIOTSIOS**

I. BACKGROUND

Carolyn Tsiotsios (the "Applicant") submitted a special use application for 2008 S. Prairie (the "subject property"). The subject property is currently zoned DX-5 and is currently improved with a one-story commercial building. The Applicant proposed to establish a tattoo studio for her husband Mr. George Tsiotsios at the subject property. To permit the proposed tattoo studio, the Applicant sought a special use to permit the establishment of a body art service. In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City's Department of Planning and Development ("Department") recommended denial of the proposed special use.

II. PUBLIC HEARING

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's special use application at its regular meeting held on March 17, 2017, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Sun-Times* and as continued without further notice in accordance with Section 17-13-0108-A of the Chicago Zoning Ordinance. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure, the Applicant had submitted its proposed Findings of Fact. A [REDACTED] members of the ZONING BOARD OF

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APPROVED AS TO SUBSTANCE

APPEALS were present. The Applicant Ms. Carolyn Tsiotsios and her husband Mr. George Tsiotsios were present. Also present on behalf of the Applicant were the Applicant's land planner Mr. Kareem Musawwir and her real estate broker Mr. Ronald Sears. Testifying in opposition to the application were Mr. Charles Dusek, President of the Homeowners' Association of 315 E. Cullerton, Mr. Brian Friedman, representative of Alderman Dowell, and Mr. Salvatore Martorina. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

III. CONCLUSION

The Applicant's application failed to receive three concurring votes in favor the application as required under Division 13 of the Illinois Municipal Code, 65 ILCS 5/11-13-3(g) (West 2015) and Section 17-13-0907 of the Chicago Zoning Ordinance.

The ZONING BOARD OF APPEALS hereby denies the Applicant's application for a special use.

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