

JANUARY 18, 2019

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

City Hall Room 905
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MAR 18 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

PI Tower Development, LLC
APPLICANT

1-19-S, 2-19-Z & 3-19-Z
CALENDAR NUMBERS

3394 N. Milwaukee Avenue
PREMISES AFFECTED

January 18, 2019
HEARING DATE

ACTION OF BOARD

THE VOTE

The application for the special use is approved subject to the conditions specified below. The applications for the variations are approved.

Shaina Doar
Sol Flores
Sam Toia
Amanda Williams

AFFIRMATIVE	NEGATIVE	ABSENT
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE SPECIAL USE AND VARIATION APPLICATIONS
FOR 3394 N. MILWAUKEE AVENUE BY PI TOWER DEVELOPMENT, LLC**

I. BACKGROUND

PI Tower Development, LLC (the "Applicant") submitted a special use application and variation applications for 3394 N. Milwaukee Avenue (the "subject property"). The subject property is currently zoned C1-1 and is improved with a two-story, mixed-use masonry building (the "existing building"). The existing building has a tavern at-grade with a residential unit above. The Applicant proposed to: (1) replace a dilapidated detached frame garage at the rear of the subject property with a surface parking lot; and (2) erect a free-standing wireless communication facility (the "proposed tower") behind the existing building. The Applicant proposed that Verizon Wireless ("Verizon") would be the primary carrier for the proposed tower. To permit the proposed tower, the Applicant sought a special use. The Applicant also sought variations to: (1) increase the maximum 75' height of the proposed tower to 105'; and (2) reduce the rear setback from the required 30' to 8.2'. In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City's Department of Planning and Development (the "Zoning Administrator") recommended approval of the 105' high proposed tower provided that: (1) the special use was issued solely to the Applicant; and (2) the development is consistent with the design and layout of the plans and drawings dated October 29, 2018, prepared by Terra Consulting Group, Ltd.

II. PUBLIC HEARING

APPROVED AS TO SUBSTANCE

[Signature]

[Signature] CHAIRMAN

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 January 18, 2019, 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 regional manager Ms. Claire Bunk and its attorney Mr. Nick Ftikas were present. Also present on behalf of the Applicant were its civil engineer Mr. Thomas Zimmerman and its MAI certified real estate appraiser Mr. Terrance O'Brien. Testifying in support of the applications on behalf of Verizon were Verizon's asset and property manager Ms. Dena Ranieri and Verizon's radio-frequency engineer Mr. Sabhi Siddiqui. Verizon's assistant general counsel Ms. Angela Frye was also present. Testifying in opposition to the applications were Mr. Michael Gallo, Ms. Rebecca Gallo, Ms. Julia Vassilatos and Ms. Victoria Long (collectively, the "Objectors"). The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

The Applicant's attorney Mr. Nick Ftikas explained to the ZONING BOARD OF APPEALS that the Applicant had a lease for the rear of the subject property. He stated that as the subject property was zoned C1-1, the Applicant required a special use to erect the proposed tower. He stated that the existing building on the subject property would remain and that due to the need to work around the existing building – as well as other structures in the neighborhood – the Applicant required the requested variations.

The Applicant presented the testimony of Ms. Dena Ranieri. Ms. Ranieri testified that she was an asset and real estate property manager with Verizon. She testified Verizon would be the primary service provider using the proposed tower but that Verizon and other carriers would be able to use the proposed tower to help improve wireless service in this part of the City. She testified that although sufficient wireless coverage is being provided, overall wireless capacity is limited in this particular area. She testified that she believed this was due to the amount of data that individuals and households use on an hourly, daily and weekly basis. She testified that Verizon's team has specifically identified this particular area as needing additional capacity to meet the needs of Verizon's customers. She testified that the proposed tower will accomplish this additional capacity and as it will be 105' in height, the proposed tower would be able to take on co-location.¹ She testified that such co-location reduces the number of towers needed to maintain quality levels of wireless service throughout the City as – by co-locating – other wireless carriers can use the same infrastructure.

The Applicant presented the testimony of its civil engineer Mr. Thomas Zimmerman. Mr. Zimmerman testified that he was a vice president with Terra Consulting Group, Ltd. ("Terra") and that Terra had designed the proposed tower. He testified that with respect to the Applicant's request for the rear setback reduction, such setback reduction was necessary to both maintain the existing building and erect the proposed tower. He

¹ Pursuant to Section 17-9-0118-D(1) of the Chicago Zoning Ordinance.

testified that with respect to the Applicant's request for the height increase, such height increase was necessary to: (1) expand the service range of the proposed tower so that it could function at a high capacity; and (2) allow other wireless carriers to co-locate. He testified that in terms of practical hardship for the subject property, the subject property was both a "short lot" in that it is only 100' deep² and improved with the existing building. He testified that therefore the Applicant's program of development has to work around both the existing building and the effects of a substandard lot. He testified nevertheless, provided the requested relief was granted, the proposed tower would be functional.

The Applicant presented the testimony of its MAI certified real estate appraiser Mr. Terrance O'Brien. The ZONING BOARD OF APPEALS recognized Mr. O'Brien's credentials as an expert in real estate appraisal. Mr. O'Brien testified that the scope of his assignment was to determine whether the special use and variations would comply with the general criteria necessary for both special uses and variations set forth in the Chicago Zoning Ordinance. Mr. O'Brien testified that he had physically inspected the subject property and the immediate area. He testified that he had prepared a written report summarizing his findings and conclusions.³ He testified that he believed that the proposed tower was appropriate and compatible with the other land uses in the area because this portion of Milwaukee Avenue is zoned for business and commercial purposes. He testified that Milwaukee Avenue at this location is a heavily trafficked street and the subject property itself is zoned for a variety of business uses, some of which would be more intense than the proposed special use. He testified that on this stretch of Milwaukee there is a wide mix of business uses, such as car lots, office buildings and repair shops. He testified that his written report addresses the criteria for both a special use a variation. He then made a brief correction to his written report.

Acting Chairman Toia noted that he knew this area of the City very well and that there was residential use behind the subject property. He then asked Mr. O'Brien how the proposed tower would affect such residential use.

Mr. O'Brien further testified that the proposed tower would have no impact on the residential use. He testified that there was an alley at the rear of the subject property and that such alley separated the subject property and the residential use. He testified that the residential to the back of the subject property is primarily rear-yards and that there are garages and so forth that line the alley. He testified that there is also an existing garage that will partially buffer the proposed tower from the alley. He testified that he is aware of numerous wireless communication towers within a couple miles radius of the subject property and in many instances, such towers abut residential use.

In response to further comments from the ZONING BOARD OF APPEALS, Mr. O'Brien testified that the tower at Milwaukee Avenue and Culyer Avenue has residential use to the west of the site. He testified that the tower at 4054 N. Kolmar has residential

² As opposed to the standard 125' deep City lot.

³ Such written report had been previously submitted to the ZONING BOARD OF APPEALS as part of the Applicant's proposed Findings of Fact.

use to the east. He testified that the tower at Pulaksi Road and Belmont has residential to the southeast. He testified that with respect to all of these examples, the residential use was either directly abutting or across a public thoroughfare.

The Applicant presented the testimony of Mr. Sabhi Siddiqui. Mr. Siddiqui testified that he was a radio-frequency ("RF") engineer for Verizon. He testified that he had worked on identifying this area as an area in need of more capacity. He testified that to substantiate this position, he had prepared both a current coverage map and a proposed coverage map of the specific geographic area. He then submitted and the ZONING BOARD OF APPEALS accepted into the record such maps. He then testified to what the maps showed. In particular, he testified that under current coverage levels, there is a "big hole" of reliable in-residence coverage. He testified that on the proposed coverage map, there would be reliable in-residence coverage. He testified that the current coverage map shows reliable on-street coverage, but if someone were in a basement or in a building and attempted to make a call, such call might not connect.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Siddiqui testified that when he said "coverage" he meant "Verizon coverage." He testified that no existing free-standing wireless facilities were proposed to him when he looked into the geographic area. He testified that he was not aware of any towers from other carriers within this area.

Mr. O'Brien testified that while he could cite towers in the area, he did not know what carriers were located on such towers. He testified that based on his observation, there were not any towers in close proximity to the subject property. He testified that the closest tower would be approximately a half-mile away from the subject property.

Mr. Michael Gallo, of 2431 N. Spaulding, asked if it was correct that Mr. Siddiqui had testified that Verizon already had coverage.

Mr. Ftikas stated that there was coverage for Verizon in the area but that the capacity for such coverage was limited. He stated that by the Applicant adding the proposed tower, Verizon's coverage capacity would be increased, which in turn would increase service in the general geographic area.

In response to further questions from Mr. Gallo, Mr. Siddiqui further testified that currently, there is on-street coverage, which means one could make a call from the street and get connected. He testified, however, that if one were inside a building, one might not be able to get a call. He testified that this is what he meant by coverage. He testified that there is also the need for increased capacity in this area. He testified that Verizon's current tower and cell size in its network cannot support the amount of data traffic Verizon currently has. He testified that this is why Verizon needs an additional tower. He testified that Verizon received complaints regarding coverage but he did not know about this particular location. He testified that he could find out.

Mr. Gallo then presented to the ZONING BOARD OF APPEALS and the ZONING BOARD OF APPEALS accepted into the record a list of signatories to a petition to oppose the tower, a "facts sheet" of why the proposed tower was bad for the area and a map of alternative locations for the proposed tower. The ZONING BOARD OF APPEALS noted that the petition was hearsay but that it would accept such petition.

Mr. Gallo then testified that he was in opposition to the applications. He testified that he is a long-time member of the All-Saints Orthodox Church, which has its parking directly across the street from the subject property. He testified that many families with young children attended the church, including his own. He then started to testify about the health conditions of his daughter, in particular sensitivity to electromagnetic fields from cell phone towers.

THE ZONING BOARD OF APPEALS stated that federal law prohibited the ZONING BOARD OF APPEALS considering the environmental effects of the proposed tower when making its decision.⁴

Mr. Gallo indicated that he understood but asked if he could continue with his testimony regardless.

THE ZONING BOARD OF APPEALS stated that Mr. Gallo could continue with his testimony but it wanted Mr. Gallo to understand that the ZONING BOARD OF APPEALS would not be considering such testimony.

Mr. Gallo then continued with his testimony. As such testimony dealt with the environmental effects of radio frequency emissions, such testimony was not considered by the ZONING BOARD OF APPEALS. He then testified that it was his belief that the proposed tower would lower property values.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Gallo testified that he was not a real estate appraiser.

Ms. Rebecca Gallo, of 2341 N. Spaulding, testified in opposition to the applications. She testified that although she lived a mile-and-a-half away in Logan Square, she

⁴ In particular: "No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the [Federal Communications] Commission's regulations concerning such emissions." 47 U.S.C.A. § 332(c)(7)(iv) (West 2018). The ZONING BOARD OF APPEALS notes that radio frequency emissions are a type of electromagnetic energy. *See, e.g.*, "What are 'Radiofrequency' and Microwave Radiation," <https://www.fcc.gov/engineering-technology/electromagnetic-compatibility-division/radio-frequency-safety/faq/ef-safety#Q1>. It also notes that in order to receive a zoning certificate (and thus a valid building permit) all wireless communication facilities must meet or exceed current standards and regulations of the Federal Communications Commission (among other federal agencies). *Cf.* 17-13-1301 of the Chicago Zoning Ordinance *with* 17-0-0118-A of the Chicago Zoning Ordinance.

attended church at All-Saints Orthodox Church. She testified that the residents in the area were concerned about the environmental effects of the proposed tower.

THE ZONING BOARD OF APPEALS reminded her that the ZONING BOARD OF APPEALS could not consider such environmental effects.

Ms. Gallo then testified that it was her belief that cell phone towers depreciated property values.

In response to questions by the ZONING BOARD OF APPEALS, Ms. Gallo testified that she was not a real estate appraiser.

THE ZONING BOARD OF APPEALS stated that although anyone was free to testify, it would like to hear from an Objector that resided in the area.

Ms. Gallo testified that she had authority to represent All-Saints Orthodox Church at the hearing.

In response to questions by the ZONING BOARD OF APPEALS, Ms. Gallo testified that she was not an attorney.

Ms. Julia Vassilatos, of 5481 S. Ellis, testified in opposition to the applications. She testified that she had attended All-Saints Orthodox Church for twenty-five (25) years. She then asked if certain testimony regarding proximity of cell phone towers near residences and schools would be considered an environmental concern.

The ZONING BOARD OF APPEALS stated that it would be. It also stated that it was not unsympathetic to the Objectors' concerns but that its jurisdiction was limited in what it could consider. It stated that the Objectors would have to bring their concerns regarding environmental issues before another body and that such body was Congress. It stated that the Objectors could still testify against the applications.

Ms. Vassilatos testified that she wanted to be on record as opposing the applications.

Ms. Victoria Long, of 5473 S. Ellis, testified that she also wanted to be on record as opposing the applications.

In response to questions by the ZONING BOARD OF APPEALS, Ms. Ranieri further testified that she chose Verizon's locations for wireless communication facilities as follows: (1) she received a small, tight search ring from Verizon's RF department; and (2) she would then look for properties that established what Verizon needed, such as appropriate zoning and a viable landlord. She testified that she had first identified Schurz High School as a possible location for a wireless communication facility as the school building was a 120' high. She testified that Schurz High School turned down Verizon's request which led Verizon to the subject property. She testified that the subject property still allowed the Applicant to meet the height requirement for the area coverage that

Verizon needed. She testified that the Applicant needed the height increase not only for co-location but also to help get a larger area covered.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Siddiqui further testified that Verizon has a tool called Attol that allows Verizon to see how its coverage looks in a particular area in that it knows the elevations of all of Verizon's cell sites, how powerful the antennas are at any particular site, etc. He testified that using Attol, one could run a "prediction plot" which would tell one what coverage Verizon has because of existing size and what coverage Verizon would need. He testified that one could not build a 500' high cell tower to cover the whole City because such tower could not handle all the network traffic. He testified that one had to build cell towers that could handle network traffic and therefore one had to keep a balance between the cell line. He testified that at some point, if a cell tower exceeded in size too much, it would cause interference for other cell sites. He testified that in designing a cellular network, one had to make sure that one created zones -- just like jurisdictions in cities. He testified that cell sites are like small cities: with one site covering one area and another site covering a different area. He testified that when one designed a cellular network, one was creating zones for better coverage and capacity.

He testified that in the past, there were less cell sites but that the cell sites were taller. He testified that with growth of data and coverage, there is more traffic for cell sites to cover. He testified that when a person ran a prediction in Attol, Attol would tell a person exactly how much height a cell site would need. He testified that one then ran the prediction at different elevations. He testified that if one ran the prediction with a 150' high cell site or a 130' high cell site, Attol would show interference with other cell sites. He testified that if one ran the prediction with a 80' high cell site, Attol would show that coverage was reduced. He testified that a 100' height is a good cell site height to provide reliable coverage without causing interference with the rest of the network. He testified that what antenna was used also played a role. He testified that the City specified the height of antennas.

B. Criteria for a Special Use for Freestanding Facilities

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

Pursuant to Section 17-9-0118-D(2) of the Chicago Zoning Ordinance, a special use application for a freestanding facility may not be granted unless the Applicant

demonstrates to the reasonable satisfaction of the ZONING BOARD OF APPEALS that no existing facility or structure can accommodate the Applicant's proposed facility. Evidence submitted to demonstrate that no existing facility or structure can accommodate the Applicant's proposed facility may consist of the any of the following: (a) no existing wireless communications facilities are located within the geographic area required to meet the Applicant's engineering requirements; (b) existing wireless communication facilities are not of sufficient height to meet the Applicant's engineering requirements; (c) existing wireless communication facilities do not have sufficient structural strength to support the Applicant's proposed antenna and associated equipment; (d) the Applicant's proposed facility would cause electromagnetic interference with an antenna on the existing tower, or vice versa; or (e) the fees, costs, or contractual provisions required by the owner in order to share an existing wireless communication facility, or to adapt an existing wireless communication facility for sharing, are unreasonable (costs exceeding new facility development are presumed to be unreasonable).

C. 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.*

The subject property is located in a C1-1 zoning district. A free-standing wireless facility is a special use in any C district, requiring that the ZONING BOARD OF APPEALS grant a special use. As Mr. Ryan noted in his report, should the special use be granted, the proposed special use will comply with all applicable standards of the Chicago Zoning Ordinance. Since the ZONING BOARD OF APPEALS has decided to grant a special use to the Applicant, the Applicant's proposed special use 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.*

As Mr. Siddiqui very credibly testified and as shown by his coverage maps, the proposed special use is in the interest of the public convenience in that it will allow Verizon to provide reliable in-residence coverage in the geographic area surrounding the subject property. Other carriers will also be able to use the proposed tower to increase reliable coverage as the proposed tower will be built so that other carriers can co-locate. The proposed special use will not have a significant adverse impact on the general welfare of the neighborhood. Mr. O'Brien very credibly testified that this stretch of Milwaukee is a heavily trafficked business and commercial street and the subject property itself is zoned for a variety of business uses, some of which would be more intense than the proposed special use. Although there is residential use behind the subject property, such residential use is separated from the subject property by an alley (especially as there are garages and so forth that line the alley). Further, and as Mr. O'Brien very credibly testified, there are other wireless communication towers within a couple miles radius of the subject property that also abut (either directly or across a thoroughfare) from residential use.

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

The proposed special use will allow for the erection of the proposed tower. The proposed tower will be located at the rear of the subject property while the two-story, mixed-use existing building will remain at the front of the subject property. As noted in the Applicant's proposed Findings of Fact, the existing building includes an at-grade tavern and a residential unit above. As the existing building will remain unchanged, the at-grade tavern will continue to ensure that this section of Milwaukee Avenue will remain commercial or business in nature. The proposed tower – which is less intense than many other businesses uses that could be established on the subject property – will be located at the rear of the subject property and therefore will not detract from the heavily trafficked Milwaukee Avenue. The proposed tower will be separated from the residential use behind the subject property by an alley (especially as there are garages and so forth that line the alley). Therefore, in terms of site planning and building scale and project design, the proposed special use is compatible with the character of the surrounding area.

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 in Mr. O'Brien's report, the proposed special use will be passive in nature. It will generate no noise and will generate little traffic. There will be no outdoor lighting associated with the special use. Therefore, the fact that it will be operating twenty-four hours a day, seven days a week is not an issue.

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

As noted above, the proposed special use will allow the Applicant to construct the proposed tower at the rear of the subject property. As the existing building at the front of the subject property will remain, the proposed special use will not impair pedestrian safety and comfort at the front of the subject property. Further and as noted in Mr. O'Brien's report, the proposed special use will have little traffic generation and means of ingress and egress for vehicles visiting the special use shall be provided off the alley at the rear of the property. This, too, promotes pedestrian safety and comfort.

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 17-9-0118-D(2) of the Chicago Zoning Ordinance:

1. *No existing facility or structure can accommodate the Applicant's proposed facility.*

No existing facility or structure can accommodate the Applicant's proposed facility because there are no existing wireless communications facilities located

within the geographic area required to meet the Applicant's engineering requirements. As very credibly testified to by Mr. Siddiqui, the Applicant requires a wireless communication facility or structure of at least 100' in height. Mr. Siddiqui testified that when he was looking at the area no one proposed an existing free-standing wireless facility that met this requirement. In turn, Mr. O'Brien very credibly testified that there were no other free-standing wireless facilities within an approximate half mile of the subject property. Although the Applicant did identify Schwarz High School as a structure upon which it could co-locate a wireless communications facility, the school declined to allow the Applicant to co-locate.

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.*

In order for Verizon to provide enough coverage and capacity for the geographic area – as well as co-location for other carriers – the Applicant requires the proposed tower to be 105' in height. Further, due to the substandard lot depth of and the existing building on the subject property, the Applicant cannot construct the proposed tower without the requested reduction to the rear setback. Therefore, strict compliance with the regulations and standards of the Chicago Zoning Ordinance 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.*

Pursuant to Section 17-1-0502 of the Chicago Zoning Ordinance, the requested variations will preserve the overall quality of life for residents and visitors. Pursuant to Section 17-1-508 of the Chicago Zoning Ordinance, the requested variations will maintain orderly and compatible land use and development practices. Pursuant to Section 17-1-0514 of the Chicago Zoning Ordinances, the requested variations accommodate growth and development that comply with other purposes the Chicago Zoning Ordinance.

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

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

Without the requested variations, the Applicant would not be able to erect the proposed tower on the subject property. As Mr. Siddiqui very credibly testified, due to the coverage and capacity requirements of Verizon for the geographic area, the Applicant needs to erect a free-standing wireless communications facility on the subject property.

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

Verizon's coverage and capacity requirements for the geographic area, the substandard lot depth of the subject property and the existing building on the subject property are unique circumstances that are not generally applicable to other commercial property.

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

The proposed tower will be located behind the two-story existing building on the subject property and will be accessed from the alley at the rear of the subject property. Moreover, the subject property is located in a heavily trafficked commercial corridor, which corridor has a variety of business and commercial uses. It will therefore not alter the essential character of the neighborhood.

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

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

The shape of the subject property – that is the substandard lot depth – and the topographical condition of the subject property – that is the existing building on the subject property – results in particular hardship upon the Applicant.

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

Verizon's coverage and capacity requirements for the geographic area, the substandard lot depth of the subject property and the existing building on the

subject property are conditions not applicable, generally, to other property within the C1-1 zoning district.

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

The variations will allow the Applicant to erect the proposed tower. In turn, the proposed tower will allow Verizon to increase its cellular network capacity and thus increase reliable coverage for Verizon's customers in the geographic area. Moreover, the proposed tower will allow other wireless carriers to co-locate. Therefore, the purpose of the variations is not 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 any person presently having an interest in the property.*

No person presently having an interest in the subject property created Verizon's coverage and capacity requirements for the geographic area. No person presently having an interest in the subject property created the subject property's substandard lot depth. Further, as noted in the Applicant's findings of fact, the existing building on the subject property is over 100 years old. Therefore no person presently having an interest in the subject property created the existing building.

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 proposed tower will be located behind the two-story existing building on the subject property. The proposed tower will be accessed from the alley at the rear of the subject property and will therefore not interfere with the pedestrian and vehicular traffic on Milwaukee Avenue. Further, the proposed tower will be separated from the residential behind the subject property by an alley, similar to other cell towers within a couple miles radius of the subject property. Moreover, the residential behind the subject property is primarily rear-yards and there are garages and so forth that line the alley. Based on the above, the proposed variations will therefore not be 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 allow for the erection of the proposed tower. Based on the site plans of the proposed tower, it is clear that such variations will not impair an adequate supply of light and air to adjacent property. The proposed tower will generate little traffic and will be accessed from the alley, so the variations will not increase congestion in the public streets. Because Section 17-0-0118-F(1) requires that the proposed tower requires a building permit, the proposed tower will not be built unless and until a valid building permit is issued. Consequently, the variations will not increase the danger of fire or endanger the public safety. Finally, as Mr. O'Brien noted in his report, the proposed tower will have no adverse impact on property values; therefore, the variations will not substantially diminish or impair property values within the neighborhood.

IV. CONCLUSION

For all of these reasons, the ZONING BOARD OF APPEALS finds that the Applicant has proved its case by evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, covering: (1) the specific criteria for a special use for freestanding facilities pursuant to Sections 17-13-0905-A and 17-9-0118-D 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 conditions:

1. The special use shall be issued solely to the Applicant; and
2. Development shall be consistent with the design and layout of the plans and drawings dated October 29, 2018, prepared by Terra Consulting Group, Ltd.

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: 1963 N. Dayton, LLC

CAL NO.: 4-19-Z

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1963 N. Dayton Street

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 10.08' to 9', north setback from 2' to 1' (south setback to be 3'), combined side setback to be 4' for a proposed three-story, single family residence with a detached garage with a roof deck.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

SHAINA DOAR
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 January 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-times on January 4, 2019; 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 9', north setback to 1' (south setback to be 3'), combined side setback to be 4' for a proposed three-story, single family residence with a detached garage with a roof deck; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

RECEIVED

FEB 19 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE
M. Toia

act CHAIRMAN

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

APPLICANT: Chicago 925 Investment Partners, LLC **CAL NO.:** 5-19-S

APPEARANCE FOR: Nicholas Ftikas **MINUTES OF MEETING:**

January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 925 W. Chicago Avenue

NATURE OF REQUEST: Application for a special use to expand an existing special use for two new dwelling units in the basement of an existing building with retail at ground floor and thirty- four dwelling units above for a total of thirty-six dwelling units.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

SHAINA DOAR
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 January 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 4, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to expand an existing special use for two new dwelling units in the basement of an existing building with retail at ground floor and thirty- four dwelling units above for a total of thirty-six dwelling units; an additional special use was granted to the subject property in Cal. No. 6-19-S; 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 special use is issued solely to the applicant Chicago 925 Investment Partners, LLC, and the development is consistent with the design and layout of the plans and drawings dated August 31, 2018, prepared by Neri Architects, PC.

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

RECEIVED

FEB 19 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE
act
act, CHAIRMAN

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

APPLICANT: Chicago Investment Partners, LLC

CAL NO.: 6-19-S

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 925 W. Chicago Avenue

NATURE OF REQUEST: Application for a special use to reduce the number of required parking spaces from the required thirty-six spaces to seventeen for the expansion of an existing special use from thirty-four dwelling units to thirty-six dwelling units. This is a transit served location.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

	AFFIRMATIVE	NEGATIVE	ABSENT
SHAINA DOAR	X		
SOL FLORES			X
SAM TOIA	X		
AMANDA WILLIAMS	X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held January 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 4, 2019; 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 number of required parking spaces to seventeen for the expansion of an existing special use from thirty-four dwelling units to thirty-six dwelling units. This is a transit served location; an additional special use was granted to the subject property in Cal. No. 5-19-S; 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 special use is issued solely to the applicant Chicago 925 Investment Partners, LLC, and the development is consistent with the design and layout of the plans and drawings dated August 31, 2018, prepared by Neri Architects, PC.

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

RECEIVED

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FEB 19 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE
act
act CHAIRMAN

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

APPLICANT: Van Hardin, LLC

CAL NO.: 7-19-S

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 713 N. Milwaukee Avenue

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

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

SHAINA DOAR
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 January 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 4, 2019; 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; 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 special use is issued solely to the applicant, Van Hardin, LLC.

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

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FEB 19 2019

APPROVED AS TO SUBSTANCE
[Signature]
act. CHAIRMAN

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

APPLICANT: Mario Rico

CAL NO.: 8-19-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 5223 S. Kilbourn Avenue

NATURE OF REQUEST: Application for a variation to reduce the north setback from the required 2.4' to 1.1 (south to be 6.4'), combined side setback shall be 7.5' for a proposed second floor addition to the existing two-story, three dwelling unit building being converted to a single family residence.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

SHAINA DOAR
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 January 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 4, 2019; 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 north setback to 1.1 (south to be 6.4'), combined side setback shall be 7.5' for a proposed second floor addition to the existing two-story, three dwelling unit building being converted to a single family residence; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

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APPROVED AS TO SUBSTANCE

FEB 19 2019

Mario Rico
at CHAIRMAN

CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

APPLICANT: Faha Management, LLC

CAL NO.: 9-19-Z

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2731 N. Southport Avenue

NATURE OF REQUEST: Application for a variation to reduce the north setback from the required 2' to zero, south setback from 2' to zero, combined side setback from 5' to zero, rear setback from 37.25' to 2' for a proposed bridge connection from the rear of the existing building to a proposed roof deck.

ACTION OF BOARD-DECISION OF LAW

Continued to February 15, 2019 at 9:00 a.m. Pursuant to *Melrose Park National Bank v. Zoning Board of Appeals of the City of Chicago*, fourth Board member to read transcript and vote at the February Zoning Board of Appeals hearing.

THE VOTE

SHAINA DOAR

SOL FLORES

SAM TOIA

AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
	X	

RECEIVED

FEB 19 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE

S. Toia
act. CHAIRMAN

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

APPLICANT: Faha Management, LLC

APPEARANCE FOR: Sara Barnes

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2731 N. Southport Avenue

CAL NO.: 9-19-Z

MINUTES OF MEETING:
January 18, 2019

NATURE OF REQUEST: Application for a variation to reduce the north setback from the required 2' to zero, south setback from 2' to zero, combined side setback from 5' to zero, rear setback from 37.25' to 2' for a proposed bridge connection from the rear of the existing building to a proposed roof deck.

**ACTION OF BOARD
VARIATION GRANTED**

THE VOTE

SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
	X	

THE RESOLUTION:

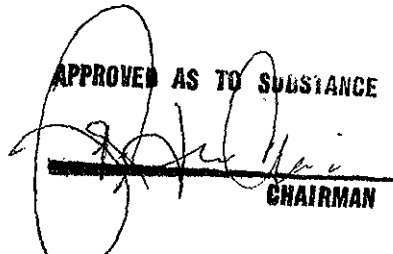
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on January 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 4, 2019; and

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 north setback to zero, south setback to zero, combined side setback to zero, rear setback to 2' for a proposed bridge connection from the rear of the existing building to a proposed roof deck; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APR 30 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Cory Krieger

CAL NO.: 10-19-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2131 W. Race Avenue

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 10.30' to 3', rear setback from 25.20' to 2' combined side setback from 5' to zero for a proposed two-story, single family residence with two car garage with roof deck and stairs.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

SHAINA DOAR
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 January 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 4, 2019; 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 3', rear setback to 2' combined side setback to zero for a proposed two-story, single family residence with two car garage with roof deck and stairs; an additional variation was granted to the subject property in Cal. No. 11-19-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.

RECEIVED

FEB 19 2019

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: Cory Krieger

CAL NO.: 11-19-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2131 W. Race Avenue

NATURE OF REQUEST: Application for a variation to relocate the 143 square feet of the required 225 square feet of rear yard open space to the garage roof deck which is more than 4' above grade to serve a proposed two-story, single family residence.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

SHAINA DOAR
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 January 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 4, 2019; 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 relocate the 143 square feet of the required 225 square feet of rear yard open space to the garage roof deck which is more than 4' above grade to serve a proposed two-story, single family residence; an additional variation was granted to the subject property in Cal. No. 10-19-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

[Signature]

act. CHAIRMAN

RECEIVED

FEB 19 2019

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

APPLICANT: Gus Tzoumas

CAL NO.: 12-19-S

APPEARANCE FOR: John Pikarski

MINUTES OF MEETING:
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 8500-02 S. Pulaski Road

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

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

SHAINA DOAR
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 January 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-times on January 4, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a one lane drive-through to serve a proposed one-story restaurant; 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 special use is issued solely to the applicant, Gus Tzoumas and provided the development is consistent with the design and layout of the plans and drawings dated December 21, 2018, all prepared by Projekt Studio, LLC. .

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

APPROVED AS TO SUBSTANCE

G. Tzoumas

act. **CHAIRMAN**

RECEIVED

FEB 19 2019

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

APPLICANT: Alan Coyle

CAL NO.: 13-19-S

APPEARANCE FOR: John Pikarski

MINUTES OF MEETING:
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2402-06 W. Cuyler Avenue

NATURE OF REQUEST: Application for a special use to establish residential use below the second floor for a proposed three-story, three dwelling unit town house building.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

SHAINA DOAR
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 January 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 4, 2019; 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 town house building; two variations were granted to the subject property in Cal. Nos. 14-19-Z and 15-19-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 special use is issued solely to the applicant, Alan Coyle and provided the development is consistent with the design and layout of the plans and drawings dated January 18, 2018, prepared by 360 Design Studio.

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

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FEB 19 2019

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: Alan Coyle

CAL NO.: 14-19-Z

APPEARANCE FOR: John Pikarski

MINUTES OF MEETING:
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2402-06 W. Cuyler Avenue

NATURE OF REQUEST: Application for a variation to reduce the front wall facing a public street for a townhome from the required 12' to .33', the rear setback for a townhome end facing wall from a public street from 5' to .25', the rear wall facing a side property line from 12' to zero, for a proposed three dwelling unit townhouse building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

SHAINA DOAR
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 January 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 4, 2019; 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 wall facing a public street for a townhome to .33', the rear setback for a townhome end facing wall from a public street to .25', the rear wall facing a side property line to zero, for a proposed three dwelling unit townhouse building; a special use and an additional variation was granted to the subject property in Cal. Nos. 13-19-S and 15-19-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.

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FEB 19 2019

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: Alan Coyle **CAL NO.:** 15-19-Z

APPEARANCE FOR: John Pikarski **MINUTES OF MEETING:**
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2402-06 W. Cuyler Avenue

NATURE OF REQUEST: Application for a variation to relocate the required 200 square feet of private yard area per unit to be located on a deck or patio that is greater than 4' from grade for a proposed three-story, three dwelling unit townhouse building with private roof decks, rear open balconies and garage with roof deck and access stair.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

SHAINA DOAR
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 January 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 4, 2019; 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 relocate the required 200 square feet of private yard area per unit to be located on a deck or patio that is greater than 4' from grade for a proposed three-story, three dwelling unit townhouse building with private roof decks, rear open balconies and garage with roof deck and access stair; a special use and an additional variation was granted to the subject property in Cal. Nos. 13-19-S and 14-19-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.

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FEB 19 2019

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: 3217 Troy, LLC

CAL NO.: 16-19-Z

APPEARANCE FOR: Paul Kolpak

MINUTES OF MEETING:
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3215 N. Troy Street

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 13.09' to 7.58' for a proposed three-story, three dwelling unit building with a detached three-car garage.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

SHAINA DOAR
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 January 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 4, 2019; 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 7.58' for a proposed three-story, three dwelling unit building with a detached three-car garage; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

Shaina Doar

act **CHAIRMAN**

RECEIVED

FEB 19 2019

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

APPLICANT: George Street Development, LLC **CAL NO.:** 17-19-Z
APPEARANCE FOR: Thomas Moore **MINUTES OF MEETING:**
January 18, 2019
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1246 W. George Street

NATURE OF REQUEST: Application for a variation to reduce the front setback from 4.25' to zero, east setback from 2' to zero, west setback from 2' to zero, combined side setback from 5' to zero for a proposed third story addition, rear roof decks, and open stairs for roof deck access on the existing office building to be converted to a single family residence.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

SHAINA DOAR
 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 January 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 4, 2019; 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 zero, east setback to zero, west setback to zero, combined side setback to zero for a proposed third story addition, rear roof decks, and open stairs for roof deck access on the existing office building to be converted to a single family residence; two additional variations were granted to the subject property in Cal. Nos. 18-19-Z and 19-19-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.

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FEB 19 2019

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: George Street Development, LLC **CAL NO.:** 18-19-Z
APPEARANCE FOR: Thomas Moore **MINUTES OF MEETING:**
 January 18, 2019
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1246 W. George Street

NATURE OF REQUEST: Application for a variation to relocate the required 199.88 square feet of rear yard open space to a deck that is more than 4' above grade for an existing office building to be converted to a single family residence.

**ACTION OF BOARD-
 VARIATION GRANTED**

THE VOTE

SHAINA DOAR
 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 January 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 4, 2019; 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 relocate the required 199.88 square feet of rear yard open space to a deck that is more than 4' above grade for an existing office building to be converted to a single family residence; two additional variations were granted to the subject property in Cal. Nos. 17-19-Z and 19-19-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.

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FEB 19 2019

CITY OF CHICAGO
 ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE

[Signature]

 act. CHAIRMAN

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

APPLICANT: George Street Development, LLC **CAL NO.:** 19-19-Z

APPEARANCE FOR: Thomas Moore **MINUTES OF MEETING:**

January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1246 W. George Street

NATURE OF REQUEST: Application for a variation to expand the existing floor area by no more than 14.98% (640.07 square feet) for a total of 4,906.82 square feet for a proposed third floor addition, roof deck and open stairs to access roof decks for the existing office building to be converted to a single family residence.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

SHAINA DOAR
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 January 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 4, 2019; 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 existing floor area by no more than 14.98% (640.07 square feet) for a total of 4,906.82 square feet for a proposed third floor addition, roof deck and open stairs to access roof decks for the existing office building to be converted to a single family residence; two additional variations were granted to the subject property in Cal. Nos. 17-19-Z and 18-19-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

[Signature]

CHAIRMAN

RECEIVED

FEB 19 2019

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

APPLICANT: L2W, LLC **CAL NO.:** 20-19-Z
APPEARANCE FOR: Thomas Moore **MINUTES OF MEETING:**
January 18, 2019
APPEARANCE AGAINST: None
PREMISES AFFECTED: 3801 W. Fullerton

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 30' to 24.75' for a proposed second floor addition with two dwelling units to an existing one-story building with retail, restaurant with outdoor patio at grade.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

SHAINA DOAR
 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 January 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 4, 2019; 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 24.75' for a proposed second floor addition with two dwelling units to an existing one-story building with retail, restaurant with outdoor patio at grade; an additional variation was granted to the subject property in Cal. No. 21-19-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.

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FEB 19 2019

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: L2W, LLC **CAL NO.:** 21-19-Z

APPEARANCE FOR: Thomas Moore **MINUTES OF MEETING:**
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3801 W. Fullerton

NATURE OF REQUEST: Application for a variation to reduce the required on-site parking spaces from three to two for a proposed second floor addition with two dwelling units to the existing one-story building with retail, restaurant with outdoor patio at grade.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

	AFFIRMATIVE	NEGATIVE	ABSENT
SHAINA DOAR			X
SOL FLORES	X		
SAM TOIA	X		
AMANDA WILLIAMS	X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on January 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 4, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the required on-site parking spaces to two for a proposed second floor addition with two dwelling units to the existing one-story building with retail, restaurant with outdoor patio at grade; an additional variation was granted to the subject property in Cal. No. 20-19-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.

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FEB 19 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE

[Signature]

[Signature] CHAIRMAN

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

APPLICANT: Taujida Melendez dba House of Thrones Events

CAL NO.: 22-19-Z

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 6528 W. North Avenue

NATURE OF REQUEST: Application for a variation to establish a public place of amusement license to provide live entertainment, music, DJ and cover charge within an event space which is located within 125' of a residential zoning district.

ACTION OF BOARD-
Continued to February 15, 2019 at 2:00 p.m.

THE VOTE

SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

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FEB 19 2019

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: Greater Rock Development Corporation, LLC **CAL NO.:** 23-19-S

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 700 S. Independence Boulevard

NATURE OF REQUEST: Application for a special use to establish a community center.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

SHAINA DOAR
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 January 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 4, 2019; 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 community center; 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 special use is issued solely to the applicant, Greater Rock Development Corporation, LLC. and the development is consistent with the design and layout of the plans and drawings dated November 8, 2018, prepared by Robert Sellars Architect.

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

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APPROVED AS TO SUBSTANCE

[Signature]
CHAIRMAN

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

APPLICANT: Celebrity Lashes Inc. /Valentyna Parashchak

CAL NO.: 24-19-S

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 910 N. Western Avenue

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

SHAINA DOAR
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 January 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 4, 2019; 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/nail salon; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject 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 special use is issued solely to the applicant, Celebrity Lashes Inc./Valentyna Parashchak.

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

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CITY OF CHICAGO
ZONING BOARD OF APPEALS

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



MAR 18 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

EZMB, LLC
APPLICANT

25-19-Z & 26-19-Z
CALENDAR NUMBERS

2016 W. Webster Avenue
PREMISES AFFECTED

January 18, 2019
HEARING DATE

ACTION OF BOARD

THE VOTE

The applications are denied for failure to receive three affirmative votes.

Shaina Doar
Sol Flores
Sam Toia
Amanda Williams

AFFIRMATIVE	NEGATIVE	ABSENT
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<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 APPLICATIONS FOR 2016 W.
WEBSTER AVENUE BY EZMB, LLC.**

I. BACKGROUND

EZMB, LLC (the "Applicant") submitted two variation applications for 2016 W. Webster Avenue (the "subject property"). The subject property is currently zoned B2-2 and is currently vacant. The Applicant proposed to redevelop the subject property with a proposed four-story, three dwelling-unit building (the "building"). To permit this, the Applicant sought variations to: (1) reduce the lot area from the required 3000 square feet to 2725 square feet; and (2) reduce the rear setback from the required 30' to 18'6".

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 January 18, 2019, 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 and sole member Mr. Zdislaw ("Jimmy") Banys and the Applicant's attorney Mr. Mark Kupiec were present. The Applicant's architect Mr. John

APPROVED AS TO SUBSTANCE

[Signature]
CHAIR

Hanna was also present. Mr. George Blakemore testified in opposition to the applications. With the exception of Mr. Blakemore's testimony, the statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

The Applicant's attorney Mr. Mark Kupiec advised the ZONING BOARD OF APPEALS that the subject property had recently been rezoned.

The Applicant's manager and sole member Mr. Zdislaw ("Jimmy") Banys testified that 32nd ward alderman Alderman Waguespack ("Alderman") was in support of the Applicant's proposed redevelopment. He then submitted and the ZONING BOARD OF APPEALS accepted into the record a letter of support from the Alderman. Mr. Banys testified that the subject property was a "short lot" in that it was only 109' deep.¹ He testified that the subject property was therefore substandard. He testified that due to this, the Applicant required the variations so it could build the proposed building. He testified that the proposed building would be comprised of condominium units.

The Applicant's architect Mr. John Hanna testified that the subject property was a substandard lot as it was only 109' deep. He testified that such substandard lot created practical difficulties or particular hardships. He testified that the buildings on the immediate next door neighbors were set back and therefore the Applicant would also be setting its proposed building back. He testified that the proposed building is designed so that the rear porch abuts the proposed garage. He testified that there is therefore no room in the rear yard for any additional stairway to the roofdeck atop the proposed garage. He testified that consequently the Applicant is requesting permission to access the said roofdeck from the rear porch.

The ZONING BOARD OF APPEALS then asked if the Applicant was building too big of a building on a too-small lot.

Mr. Hanna testified that this was not the case as there are many three dwelling-unit buildings in "this kind of location" in the City.

The ZONING BOARD OF APPEALS then asked if the roofdeck on the top of the proposed building would be available to residents.

Mr. Hanna testified that the roofdeck at the top of the proposed building would only be available to the residents of the top condominium unit.

The ZONING BOARD OF APPEALS then asked Mr. Hanna if he were to remove the rear decks, could Mr. Hanna provide the required second means of egress to the proposed building as well as a stair to the garage roofdeck without the requested rear setback reduction.

¹ As opposed to the City standard of 125' deep.

Mr. Hanna testified that if he were to take out the rear decks, he would have to turn the stairs that were the required second means of egress to the proposed building. He testified that these stairs would therefore "walk" in front of the bedroom windows. He testified that he tried not to do this as this caused privacy issues.

The ZONING BOARD OF APPEALS then asked the Applicant to explain how the Applicant's request for variations was not a self-created hardship.

Mr. Kupiec stated that the Applicant did not subdivide the lot, so the Applicant's hardship was not self-created. He stated that a standard City lot was 125' deep and that most of the setback requirements in the Chicago Zoning Ordinance were predicated on a 125' deep lot. He stated that anything less than 125' deep was as substandard lot and a unique circumstance. He stated that this was why there was a ZONING BOARD OF APPEALS.

The ZONING BOARD OF APPEALS then asked if the Applicant had paid less for the subject property on account of the subject property being a substandard lot.

Mr. Banyas testified that he paid "under 10%" less for the subject property than other properties in the neighborhood. He testified that he required a three dwelling-unit building in order for the Applicant to make a reasonable return on its investment. He testified that as the proposed building would be a condominium building, a three-unit building was preferable.

Mr. Kupiec stated that a three-unit condominium building was preferable because it allowed a decision to easily be made by a condominium board. He stated that two-unit condominium buildings do not always easily make decisions as the condominium board can become deadlocked.

The ZONING BOARD OF APPEALS stated that the units in two-unit condominium buildings often have votes weighted by square footage. It stated that one could have a two-unit condominium building in which one unit owned 49% and the other owned 51%. It stated that the unit with less voting power was usually a cheaper unit. It stated that it was aware of such two-unit condominium buildings in the City.

Mr. Kupiec stated that while such two-unit condominium buildings exist, it would not be possible for the Applicant to realize a reasonable rate of return with such a two-unit condominium building. He also stated that he would not advise any client of his to purchase a unit in a two-unit condominium building that had less voting power than the other unit.

The ZONING BOARD OF APPEALS asked if the Applicant assumed that it would receive variations from the ZONING BOARD OF APPEALS when it purchased the subject property. It then asked if there is a design solution that would: (1) allow all of the occupants of the proposed building to access the rooftop deck and not the garage roofdeck; and (2) allow the Applicant to realize a reasonable return on its investment.

Mr. Banys testified that the Applicant purchased the subject property with the intention of building a three dwelling-unit building. He testified that this is why the Applicant had the subject property rezoned.

The ZONING BOARD OF APPEALS stated that if the Applicant had rezoned the subject property for a three dwelling-unit building, it again appeared as if the Applicant was creating its own hardship.

Mr. Kupiec stated that he would like the ZONING BOARD OF APPEALS to take judicial notice of the fact that the subject property had been downzoned from B3-2 to B2-2. He stated that such downzoning allowed the Applicant to put residential use on the ground floor instead of commercial. He stated that while Webster at this location had been commercial in the past, commercial is no longer appropriate at this location as the block is now mostly residential.

The ZONING BOARD OF APPEALS agreed with Mr. Kupiec but noted that its answer regarding the proposed building's rooftop deck had not been answered.

Mr. Hanna testified that a rooftop deck is typically for a building's top unit. He testified that this is because one needs two exits from said roofdeck and that these stairs are usually placed inside a building and run from the rooftop deck to the top unit. He testified that if said stairs ran throughout the building, units would lose a lot of square footage (about 250 square feet) on each floor. He testified that the external back stair can only go to the third floor. He testified that the external back stair could not go up to the fourth floor unless it is enclosed.

The ZONING BOARD OF APPEALS asked if the Applicant had done a financial analysis between losing this substantial square footage and coming to the ZONING BOARD OF APPEALS for variations.

Mr. Banys testified that if the proposed building's rooftop deck was for the use of all units, said rooftop deck would be 500 square feet less in footage. He testified that there would also be a "huge drop" in price. He testified that it would be a loss and the Applicant would have no way to recoup the money. He testified that the Applicant would not be able to produce a reasonable rate of return if the Applicant had to design the proposed building so that everyone accessed the proposed building's rooftop deck.

Mr. Hanna then testified the rear stair system is built as-of-right and is required. He testified that there is no way to build the proposed building without the requested variations if the Applicant were to realize a reasonable return on its investment.

Mr. George Blakemore, address unknown, objected to the application.

Mr. Hanna then testified that he was familiar with the neighborhood. He testified that there were other garage roofdecks in the area and therefore the variations, if granted, would not alter the essential character of the neighborhood. He then submitted and the

ZONING BOARD OF APPEALS accepted into the record a photograph showing where other garage roofdecks are located in the neighborhood.

Mr. Kupiec then made his closing statement.

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.

As the ZONING BOARD OF APPEALS is evenly divided "for" and "against" the Applicant's applications, there can be no findings of fact. Instead, the only decision the ZONING BOARD OF APPEALS can make is that the Applicant's applications are

denied for failure to receive three affirmative votes. *Sokolis v. Zoning Board of Appeals of the City of Springfield*, 21 Ill.App.2d 178 (3d Dist. 1959) (abstract of opinion), No. 10220, p. 10 (Apr. 7, 1959).

IV. CONCLUSION

Pursuant to Section 17-13-1104 of the Chicago Zoning Ordinance, the ZONING BOARD OF APPEALS hereby denies the Applicant's applications for variations for failure to receive three affirmative votes.

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: MF Group, LLC **CAL NO.:** 27-19-Z
APPEARANCE FOR: Mark Kupiec **MINUTES OF MEETING:**
January 18, 2019
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2246 N. Western Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 30' to 3' on floors containing dwelling units for a proposed four- story building with ground floor commercial and three dwelling units above with an attached three car garage.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

SHAINA DOAR
 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 January 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 4, 2019; 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 3' on floors containing dwelling units for a proposed four- story building with ground floor commercial and three dwelling units above with an attached three car garage; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

RECEIVED

FEB 19 2019

CITY OF CHICAGO
 ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE

Shaina Doar

 CHAIRMAN

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

APPLICANT: Hans Kebritchi

CAL NO.: 28-19-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 714 N. Wells Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 30' to 1.96' for a proposed rear three-story addition with roof deck and roof deck and attached three car garage for the existing three-story mixed use building.

ACTION OF BOARD-
Continued to February 15, 2019 at 2:00 p.m.

THE VOTE

SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

RECEIVED

FEB 19 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE

Art. Williams

CHAIRMAN

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

APPLICANT: Hans Kebritchi

CAL NO.: 29-19-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 714 N. Wells Street

NATURE OF REQUEST: Application for a variation to reduce the required off street parking spaces from two to one for a proposed rear three-story addition with roof deck and stairs and an attached one car garage for the existing three-story mixed use building.

ACTION OF BOARD-
Continued to February 15, 2019 at 2:00 p.m.

THE VOTE

SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

[Signature]
act. CHAIRMAN

RECEIVED

FEB 19 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

APPLICANT: Altine Collier **CAL NO.:** 30-19-S

APPEARANCE FOR: Same as Applicant **MINUTES OF MEETING:**
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 5842 W. North Avenue

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

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

SHAINA DOAR
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 January 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 4, 2019; 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; 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 special use is issued solely to the applicant, Altine Collier.

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

APPROVED AS TO SUBSTANCE

Sam Toia

act. **CHAIRMAN**

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**CITY OF CHICAGO
ZONING BOARD OF APPEALS**

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

APPLICANT: Emer Gomez

CAL NO.: 31-19-S

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 7008 W. Archer Avenue

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

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

SHAINA DOAR
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 January 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 4, 2019; 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; 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 special use is issued solely to the applicant, Emer Gomez.

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

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FEB 19 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE

[Signature]

act. **CHAIRMAN**

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

APPLICANT: The Fade Lounge, LLC

CAL NO.: 32-19-S

APPEARANCE FOR: Chris Leach

MINUTES OF MEETING:
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3035 W. Fullerton Avenue

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

SHAINA DOAR
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 January 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 4, 2019; 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; 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 special use is issued solely to the applicant, The Fade Lounge, LLC.

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

APPROVED AS TO SUBSTANCE



act. CHAIRMAN

RECEIVED

FEB 19 2019

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

APPLICANT: Board of Education

CAL NO.: 33-19-Z

APPEARANCE FOR: Scott Borstein

MINUTES OF MEETING:
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 6530 W. Bryn Mawr Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 50' to 11.33', south side setback from 28.75' to 16.17' (north to be 28.75'), for proposed accessory recreational equipment including a turf field with backstop, bleachers with pressbox, light poles, 20' high chain link fence, and two new tennis courts to serve the existing high school.

ACTION OF BOARD-
Continued to February 15, 2019 at 2:00 p.m.

THE VOTE

SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

RECEIVED

FEB 19 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE

[Signature]

act CHAIRMAN

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

APPLICANT: Mariana C. Deaconu dba MCD Defined Beauty Inc.

CAL NO.: 34-19-S

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 6318 N. Cicero Avenue

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

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

SHAINA DOAR
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 January 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 4, 2019; 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; an additional special use was granted to the subject property in Cal. No. 35-19-S; 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 special use is issued solely to the applicant, Mariana C. Deaconu dba MCD Defined Beauty Inc.

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

APPROVED AS TO SUBSTANCE

[Signature]

act. CHAIRMAN

RECEIVED

FEB 19 2019

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

APPLICANT: Mariana C. Deaconu dba MCD Defined Beauty Inc.

CAL NO.: 35-19-S

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 6318 N. Cicero Avenue

NATURE OF REQUEST: Application for a special use to establish a body art service (micro-blading, machine and blade).

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

SHAINA DOAR
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 January 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 4, 2019; 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 body art service (micro-blading, machine and blade); an additional special use was granted to subject property in Cal. No. 34-19-S; 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 special use is issued solely to the applicant, Mariana C. Deaconu dba MCD Defined Beauty Inc.

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

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FEB 19 2019

APPROVED AS TO SUBSTANCE

[Signature]

CHAIRMAN

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

APPLICANT: Congregation Ohel Tefilah

CAL NO.: 36-19-S

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2733 W. Touhy Avenue

NATURE OF REQUEST: Application for a special use to establish a religious assembly within an existing one-story building.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

SHAINA DOAR
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 January 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 4, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a religious assembly within an existing one-story building; a related special use to establish nine accessory offsite parking spaces was granted to 2723 W. Touhy Ave. in Cal. No. 37-19-S; 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 special use is issued solely to the applicant Congregation Ohel Tefilah and the development is consistent with the design and layout of the plans and drawings dated September 5, 2018, prepared by Pro-Plan Architects, PC.

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

RECEIVED

FEB 19 2019

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: Congregation Ohel Tefilah

CAL NO.: 37-19-S

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2723 W. Touhy Avenue

NATURE OF REQUEST: Application for a special use to establish nine accessory offsite parking spaces to serve the proposed religious assembly located at 2733 W. Touhy Avenue.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

SHAINA DOAR
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 January 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 4, 2019; 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 nine accessory offsite parking spaces to serve the proposed religious assembly located at 2733 W. Touhy Avenue; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject 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 special use is issued solely to the applicant Congregation Ohel Tefilah and the development is consistent with the design and layout of the plans and drawings dated September 5, 2018, prepared by Pro-Plan Architects, PC.

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

RECEIVED

FEB 19 2019

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: FBF, LLC **CAL NO.:** 38-19-S
APPEARANCE FOR: Nicholas Ftikas **MINUTES OF MEETING:**
January 18, 2019
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1212 W. Carmen Avenue

NATURE OF REQUEST: Application for a special use to establish residential use below the second floor for a proposed five-story, nine dwelling unit building.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

SHAINA DOAR
 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 January 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 4, 2019; 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 five-story, nine dwelling unit building; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject 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 special use is issued solely to the applicant FBF, LLC and the development is consistent with the design and layout of the plans and drawings dated September 17, 2018, prepared by Jonathan Splitt Architects, Ltd.

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

RECEIVED

FEB 19 2019

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: Joseph and Joanne Siciliano

CAL NO.: 39-19-Z

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3131 N. Hoyne Avenue

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 11.40' to 5.42', north setback from 3' to .93' for a proposed open front porch and a second floor addition to the existing single family residence.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

SHAINA DOAR
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 January 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-times on January 4, 2019; 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 5.42', north setback to .93' for a proposed open front porch and a second floor addition to the existing single family residence; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

[Signature]

Act. CHAIRMAN

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FEB 19 2019

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

APPLICANT: Raina Western, LLC

CAL NO.: 40-19-S

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2000 S. Western Avenue

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

**ACTION OF BOARD-
APPLICATION WITHDRAWN**

THE VOTE

SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE


CHAIRMAN

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FEB 19 2019

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

APPLICANT: Touhy Court Condominium Association

CAL NO.: 41-19-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1813-19 W. Touhy Avenue

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 15' to zero, east setback from 5' to zero (west to be zero), combined side setback from 10' to zero for a 6.42' high iron fence at the front of the existing three-story building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

SHAINA DOAR
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 January 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 4, 2019; 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 zero, east setback to zero (west to be zero), combined side setback to zero for a 6.42' high iron fence at the front of the existing three-story 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

Sam Toia

act. **CHAIRMAN**

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FEB 19 2019

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

APPLICANT: Rafael Brisuela **CAL NO.:** 42-19-Z

APPEARANCE FOR: Same as Applicant **MINUTES OF MEETING:**
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3959 W. Ontario Street

NATURE OF REQUEST: Application for a variation to reduce the east setback from 2' to zero, (west to be zero), combined side setback from 3.2' to zero for a proposed rear one-story addition on to an existing single family residence.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

SHAINA DOAR
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 January 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-
nes on January 4, 2019; 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 zero, (west to be zero), combined side setback to zero for a proposed rear one-story addition on to an existing single family residence; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

[Signature]

[Signature] **CHAIRMAN**

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FEB 19 2019

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

APPLICANT: Marek Sasadeusz

CAL NO.: 43-19-Z

APPEARANCE FOR: John Pikarski

MINUTES OF MEETING:
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4931 W. Monroe

NATURE OF REQUEST: Application for a variation to increase the density not to exceed more than one unit from the original two units to three units in an existing two-story building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		

THE RESOLUTION:

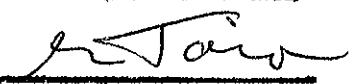
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on January 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 4, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to increase the density not to exceed more than one unit from the original two units to three units in an existing two-story 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



ad. CHAIRMAN

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FEB 19 2019

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

APPLICANT: Nader Yahya

CAL NO.: 44-19-S

APPEARANCE FOR: John Pikarski

MINUTES OF MEETING:
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2010 W. Division Street

NATURE OF REQUEST: Application for a special use to expand an existing liquor store located at 2006 W. Division Street into 2010 W. Division Street.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

SHAINA DOAR
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 January 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 4, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to expand an existing liquor store located at 2006 W. Division Street into 2010 W. Division Street; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject 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 special use is issued solely to the applicant Nader Yahya.

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

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FEB 19 2019

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: Alvaro Santamaria

CAL NO.: 45-19-Z

APPEARANCE FOR: John Pikarski

MINUTES OF MEETING:
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3358 W. Cuyler Street

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 12.13' to 9.09', west setback from 2' to 0.57', east setback from 2' to 1.83', combined side setback from 5' to 2.4' for a proposed third story dormer addition, front one story open porch with roof, rear two story open porch for the existing three-story, three dwelling unit building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

SHAINA DOAR
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 January 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 4, 2019; 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 9.09', west setback to 0.57', east setback to 1.83', combined side setback to 2.4' for a proposed third story dormer addition, front one story open porch with roof, rear two story open porch for the existing three-story, three dwelling unit building; an additional variation was granted to the subject property in Cal. No. 46-19-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

Art Toia

CHAIRMAN

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FEB 19 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

APPLICANT: Alvaro Santamaria **CAL NO.:** 46-19-Z
APPEARANCE FOR: John Pikarski **MINUTES OF MEETING:**
January 18, 2019
APPEARANCE AGAINST: None
PREMISES AFFECTED: 3358 W. Cuyler Street

NATURE OF REQUEST: Application for a variation to expand the existing floor area of 3,051.73 square feet by 82.08 square feet which is no more than 2.69% with a proposed third story dormer addition to the existing three-story, three dwelling unit building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

SHAINA DOAR
 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 January 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 4, 2019; 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 existing floor area of 3,051.73 square feet by 82.08 square feet which is no more than 2.69% with a proposed third story dormer addition to the existing three-story, three dwelling unit building; an additional variation was granted to the subject property in Cal. No. 45-19-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

[Signature]

 CHAIRMAN

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FEB 19 2019

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



MAR 18 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

Dayton 1909, LLC
APPLICANT

47-19-Z
CALENDAR NUMBER

1909 N. Dayton Street
PREMISES AFFECTED

January 18, 2019
HEARING DATE

ACTION OF BOARD

THE VOTE

The application for a variation is approved.

Shaina Doar
Sol Flores
Sam Toia
Amanda Williams

AFFIRMATIVE	NEGATIVE	ABSENT
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<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 1909 N.
DAYTON STREET BY DAYTON 1909, LLC**

I. BACKGROUND

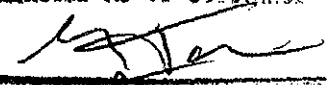
Dayton 1909, LLC (the "Applicant") submitted a variation application for 1909 N. Dayton Street (the "subject property"). The subject property is currently zoned RT-4 and is currently improved. The Applicant proposed to raze the existing improvement on the subject property and redevelop the subject property with a single-family residence with an attached garage. To permit this, the Applicant sought a variation to reduce: (1) the rear setback from the required 35' to 2'; (2) the north side setback from 2' to 0' (south side setback to be 0'); and (3) the combined side setback from 5' to 0'.

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's variation application at its regular meeting held on January 18, 2019, 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. Representatives from the Applicant's manager Bak Home Development Partners LLC Mr. Alan Keribar and Mr. Luke Bakalar and the Applicant's attorney Mr. Thomas

APPROVED AS TO SUBSTANCE


CHAIRMAN

S. Moore were present. The Applicant's architect Mr. Christopher Dasse was also present. Alderman Michele Smith's director of zoning and urban development Ms. Joana Zaidan appeared in opposition 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.

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.*

Without the requested variation, the Applicant would not be able to attach the garage to its proposed single-family residence. The Applicant needs to attach the garage to its proposed single-family residence due to the safety concerns caused by the heavily trafficked alley at the rear of the subject property as well as the open, unsecured surface parking lot to the north of the subject property.

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

Pursuant to Section 17-1-0501 of the Chicago Zoning Ordinance, the requested variation promotes the public health, safety and general welfare. Pursuant to Section 17-1-0502 of the Chicago Zoning Ordinance, the requested variation preserves the overall quality of life for residents and visitors. Pursuant to Section 17-1-0503 of the Chicago Zoning Ordinance, the requested variation protects the character of established residential neighborhoods. Pursuant to Section 17-1-0509 of the Chicago Zoning Ordinance, the requested variation ensures adequate light, air, privacy and access to property. Pursuant to Section 17-1-0512 of the Chicago Zoning Ordinance, the requested variation helps 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.*

Newer construction in the immediate area of Dayton, Fremont and Bissell has garages attached to single-family residences. The lack of an attached garage combined with the heavily trafficked alley at the rear of the subject property as well as the open, unsecured surface parking lot to the north of the subject property create a situation where the Applicant's proposed single-family residence would remain unsold and vacant.

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

As noted above, there is a heavily trafficked alley at the rear of the subject property as well as an open, unsecured surface parking lot to the north of the subject property. The heavily trafficked alley is not a normal residential alley as the alley separates the residential street of North Dayton and the commercial street of North Halsted. In fact, the alley services those commercial businesses on North Halsted, including bars that are open to 4:00 AM. The open, unsecured surface parking lot is solely accessed from the heavily trafficked alley. These are unique circumstances and are not generally applicable to other residential property.

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

The variation will allow the Applicant to connect the proposed single-family residence to the garage by way of a breezeway. As shown by the plans, such breezeway will run along the south property line and will allow ample rear yard open space for the proposed single-family home. It will therefore not alter the essential character of the residential neighborhood as the subject property will still maintain the rear yard open space that characterizes the vast majority of single-family homes in the 43rd ward. Further, many newer construction buildings in the immediate neighborhood of Dayton, Fremont and Bissel have breezeways.

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.*

Without the requested variation, the particular physical surroundings – that is, the heavily trafficked alley at the rear of the subject property and the open, unsecured parking lot at the north of the subject property – would result in a particular hardship upon the Applicant as the single-family residence would remain vacant and unsold.

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

The heavily trafficked alley at the rear of the subject property and the open, unsecured parking lot at the north of the subject property are not conditions that are applicable, generally, to other property within the RT-4 zoning classification.

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

The variation will allow the Applicant to overcome the particular physical surroundings and provide a single-family home that is in line with other newer construction in the neighborhood. Its purpose is therefore to provide a modern, livable home and is not 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 any person presently having an interest in the property.*

The Applicant did not create the heavily trafficked alley at the rear of the subject property. The Applicant also did not create the open, unsecured parking lot at the north of the subject property.

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

As noted above, the variation will still allow for ample rear yard space. In addition, the Applicant has designed the garage so that there will be a green roof on top of the garage that will be the same square footage as the breezeway. Therefore, the variation will not decrease permeability of the subject property. Since permeability of the subject property will not be decreased, the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

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

As shown by the plans, the variation will not impair an adequate supply of light and air to adjacent property, especially as the breezeway itself will run alongside the open, unsecured parking lot to the north of the subject property. The variation

will not substantially increase congestion in the public streets, or increase the danger of fire, or endanger the public safety. It will also not – as it will be part of new construction – 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 application for a variation, and the Zoning Administrator is authorized to permit said variation.

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

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

APPLICANT: Ashler, LLC

CAL NO.: 48-19-Z

APPEARANCE FOR: Rolando Acosta

MINUTES OF MEETING:
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1734 N. California Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback on floors containing dwelling units from the required 30' to 2' for a proposed four-story, three dwelling unit building with an attached three car garage.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

SHAINA DOAR
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 January 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 4, 2019; 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 on floors containing dwelling units to 2' for a proposed four-story, three dwelling unit building with an attached three car garage; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

Shaina Doar

CHAIRMAN

RECEIVED

FEB 19 2019

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



MAR 18 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

Matt and Julie Simon

APPLICANT

49-19-Z

CALENDAR NUMBER

1938 N. Dayton Street

PREMISES AFFECTED

January 18, 2019

HEARING DATE

ACTION OF BOARD

THE VOTE

The application is denied for failure to receive three affirmative votes.

Shaina Doar
Sol Flores
Sam Toia
Amanda Williams

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

**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE VARIATION APPLICATION FOR 1938 N DAYTON
STREET BY MATT AND JULIE SIMON**

I. BACKGROUND

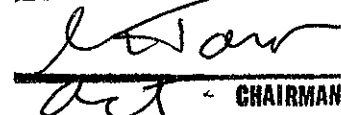
Matt and Julie Simon (the "Applicants") submitted a variation application for 1938 N. Dayton Street (the "subject property"). The subject property is currently zoned RT-4. The Applicants are currently redeveloping the subject property with a single-family home (the "home"). Halfway through construction of the home, the Applicants determined that a detached garage at the rear of the subject property was not necessary and instead proposed to build a 10' high privacy wall at the subject property's rear lot line with a sliding steel gate. To permit the construction of the 10' high privacy wall with a sliding steel gate, the Applicants sought a variation to reduce the rear setback from the required 35' to 0'.

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's variation application at its regular meeting held on January 18, 2019, 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

APPROVED AS TO SUBSTANCE


CHAIRMAN

APPEALS' Rules of Procedure, the Applicants had submitted their proposed Findings of Fact. One of the Applicants Mr. Matt Simon and the Applicants' attorney Ms. Meg George were present. The Applicant's architect Mr. Mike Shively was also present. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

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.

As the ZONING BOARD OF APPEALS is evenly divided "for" and "against" the Applicants' application, there can be no findings of fact. Instead, the only decision the

ZONING BOARD OF APPEALS can make is that the Applicants' application is denied for failure to receive three affirmative votes. *Sokolis v. Zoning Board of Appeals of the City of Springfield*, 21 Ill.App.2d 178 (3d Dist. 1959) (abstract of opinion), No. 10220, p. 10 (Apr. 7, 1959).

IV. CONCLUSION

Pursuant to Section 17-13-1104 of the Chicago Zoning Ordinance, the ZONING BOARD OF APPEALS hereby denies the Applicants' application for a variation for failure to receive three affirmative votes.

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: Matt and Julie Simon

CAL NO.: 49-19-Z

APPEARANCE FOR: Meg George

MINUTES OF MEETING:
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1938 N. Dayton Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 35' to zero for a proposed 10' masonry privacy wall with a wood and steel sliding gate 2' from the rear lot line of the existing single family residence with one parking space.

ACTION OF BOARD-DECISION OF LAW

Continued to February 15, 2019 at 9:00 a.m. Pursuant to *Melrose Park National Bank v. Zoning Board of Appeals of the City of Chicago*, fourth Board member to read transcript and vote at the February Zoning Board of Appeals hearing.

THE VOTE

SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
	X	
		X
X		
	X	

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

APPLICANT: The LYTE Collective

CAL NO.: 50-19-Z

APPEARANCE FOR: Elizabeth Santis

MINUTES OF MEETING:
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 7604 S. St. Lawrence Avenue

NATURE OF REQUEST: Application for a variation to increase the existing floor area from 0.65 to 1.463 for a proposed two-story elevator addition on the existing three story community center building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

	AFFIRMATIVE	NEGATIVE	ABSENT
SHAINA DOAR	X		
SOL FLORES	X		
SAM TOIA	X		
AMANDA WILLIAMS	X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on January 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 4, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to increase the existing floor area to 1.463 for a proposed two-story elevator addition on the existing three story community center building; an additional variation was granted to the subject property in Cal. No. 51-19-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.

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**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: The LYTE Collective

CAL NO.: 51-19-Z

APPEARANCE FOR: Elizabeth Santis

MINUTES OF MEETING:
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 7604 S. St. Lawrence Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 15, to zero (north to be zero) for a proposed two-story elevator addition on an existing three-story, community center building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

SHAINA DOAR
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 January 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 4, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to zero (north to be zero) for a proposed two-story elevator addition on an existing three-story, community center building; an additional variation was granted to the subject property in Cal. No. 50-19-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

[Signature]

CHAIRMAN

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FEB 19 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

APPLICANT: Oasis of Bucktown, LLC **CAL NO.:** 52-19-Z

APPEARANCE FOR: Sara Barnes **MINUTES OF MEETING:**
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2400 W. Wabansia Avenue/1700-08 N. Western Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 30' to zero for a proposed five-story building with ground floor retail, twenty-nine car interior garage and sixty dwelling units.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

SHAINA DOAR
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 January 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 4, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following: the applicant shall be permitted to reduce the rear setback to zero for a proposed five-story building with ground floor retail, twenty-nine car interior garage and sixty dwelling units; an additional variation was granted to the subject property in Cal. No. 53-19-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

[Signature]

act. CHAIRMAN

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FEB 19 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

APPLICANT: Oasis of Bucktown, LLC **CAL NO.:** 53-19-Z

APPEARANCE FOR: Sara Barnes **MINUTES OF MEETING:**
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2400 W. Wabansia Avenue/1700-08 N. Western Avenue

NATURE OF REQUEST: Application for a variation to reduce one 8' x 18' parking space for a proposed five-story building with ground floor retail, twenty-nine interior parking spaces and sixty dwelling units above.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

SHAINA DOAR
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 January 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 4, 2019; 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 one 8' x 18' parking space for a proposed five-story building with ground floor retail, twenty-nine interior parking spaces and sixty dwelling units above; an additional variation was granted to the subject property in Cal. No. 52-19-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.

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FEB 19 2019

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: Oasis of Bucktown, LLC

CAL NO.: 54-19-Z

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2400 W. Wabansia Avenue/1700-08 N. Western Avenue

NATURE OF REQUEST: Application for a variation to eliminate the one required 10' x 25' loading berth for a proposed five-story building with ground floor retail, twenty-nine interior parking spaces and sixty dwelling units above.

ACTION OF BOARD-
APPLICATION WITHDRAWN

THE VOTE

SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

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FEB 19 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE

S. Toia

Act. CHAIRMAN

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



MAR 18 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

Loyola University of Chicago

APPLICANT

55-19-S & 56-19-Z
CALENDAR NUMBERS

6314 N. Winthrop Avenue

PREMISES AFFECTED

January 18, 2019

HEARING DATE

ACTION OF BOARD

THE VOTE

The application for the special use is approved subject to the conditions specified below.
The application for the variation is approved.

Shaina Doar
Sol Flores
Sam Tola
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"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

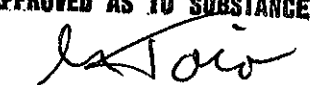
**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE SPECIAL USE AND VARIATION APPLICATIONS
FOR 6314 N. WINTHROP AVENUE BY LOYOLA UNIVERSITY OF CHICAGO**

I. BACKGROUND

Loyola University of Chicago (the "Applicant") submitted a special use application and a variation application for 6314 N. Winthrop (the "subject property"). The subject property is currently zoned RM-6 and is improved with two residential buildings that are in the process of being demolished. The Applicant proposed to redevelop the subject property with an eight-story, 402 bed residence hall with two (2) dwelling units (the "proposed residence hall"). To permit the proposed residence hall, the Applicant sought: (1) a special use; and (2) a variation to reduce the front setback from the required 15' to 0', the north and south side setbacks from 20' to 0' and the rear setback from 45' to 24.66'. In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City's Department of Planning and Development (the "Zoning Administrator") recommended approval of the proposed residence hall provided that: (1) the special use was issued solely to the Applicant; and (2) the development is consistent with the design, layout, materials, plans and drawings dated December 4, 2018, prepared by Solomon Cordwell Buenz.

II. PUBLIC HEARING

A. The Hearing

APPROVED AS TO SUBSTANCE

CHAIRMAN

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's special use and variation applications at its regular meeting held on January 18, 2019, 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 associate vice president for facilities Ms. Kana Henning and its attorney Mr. Steven Holler were present. Also present on behalf of the Applicant were its land planner Mr. Timothy Barton, its project architect Mr. Chadd Harrison and its civil engineer and landscape architect Mr. Patrick Brawley. Testifying in support of the applications was Mr. Jim Ness. Testifying in opposition to the applications were Ms. Tricia Van Eck, Ms. Kathryn Gemperle, and Mr. Allen Stryczek (collectively, the "Objectors"). Forty-eighth ward alderman Alderman Harry Osterman's chief of staff Mr. Dan Luna also testified. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

The Applicant's attorney Mr. Steven Holler explained to the ZONING BOARD OF APPEALS the underlying nature of the relief sought.

The Applicant presented the testimony of its associate vice president for facilities Ms. Kana Henning. Ms. Henning testified that the Applicant is experiencing a severe housing shortage resulting in its need to construct the proposed residence hall. She testified that the subject property is the only available site for the Applicant due to the fact that the Applicant's campus is bounded on the north by a RS-1 zoning district, on the west by the CTA embankment and Sheridan Road and on the east by Lake Michigan and North Sheridan Road. She testified that, therefore, as a practical matter, the only place for the Applicant's residences has been in its south campus. She testified that the Applicant started acquiring the subject property in 2010 and in the course of over 4 separate transactions, paid over \$12 million for the subject property. She testified that the Applicant has a \$47 million construction budget, and so the proposed residence hall is an almost \$60 million project. She testified that the Applicant will pay for the project out of internal funds.

She testified that directly to the north of the subject property is the Applicant's Regis Hall residence hall. She testified that Regis Hall is a seven-story, 410 bed residence hall on a 250' x 150' lot. She testified that the subject property is 246' x 150'. She testified that therefore the Applicant's proposed residence hall would be similar in project size and scale. She testified that across the street from the subject property is the Applicant's Simpson Living-Learning Center residence hall. She testified that Simpson Living-Learning Center is a six-story, 398 bed residence hall. She testified that its lot is a bit bigger than Regis Hall's lot or the subject property. She testified that Simpson Living-Learning Center contains space for the Applicant's common space.

She then testified as to the Applicant's internal master planning process with respect to its residence hall inventory. She testified that since the Applicant began investing in its south campus neighborhood, it has invested over \$200 million in its 15 residence halls.

She testified that of these 15 residence halls, 11 of them were converted apartment buildings. She testified that the Applicant's first choice therefore was not to demolish buildings and rebuild from scratch but was instead made on a case-by-case basis. She testified that in this case, the Applicant requires a larger residence hall because the Applicant has not opened a residence hall since 2015. She testified that in working with the architect, the Applicant had requested that the architect take into account architectural design elements of other residence halls when designing the proposed residence hall. She testified that the Applicant has a standard design palette that it utilizes in order to create continuity in all of its campus development. She testified that therefore with respect to its south campus residence hall development, the Applicant does try to reference back to other residence halls although it also wants each of its residence halls to have its own unique identity. She testified as to the Applicant's LEED status and its recognition as a green university by the Sierra Club.

She testified that because the subject property is zoned RM-6, the Applicant could have designed a much taller building than the proposed residence hall. She testified that this taller building would have had an increased density as it would have more beds. She testified that however the Applicant wished for the proposed residence to be same scale as its other residence halls in the south campus neighborhood. She testified that therefore the Applicant is not going to "max out" bed count. She testified that the Applicant has an intentional strategy around the student experience in its residence halls. She testified that the Applicant had concluded that the almost \$47 million construction budget to add 402 beds represented a reasonable return on the Applicant's investment. She testified that as the Applicant is a not-for-profit, its primary goal is to construct state-of-the-art facilities that complement its programs and the transformative experience that it wishes for its students to have. She testified that nevertheless, the cost of the proposed residence hall – including its site acquisition costs – does generate a higher cost per bed that the Applicant would typically like.

She testified that the proposed residence hall will be operated in the same manner as the Applicant's other residence halls. She testified that the proposed residence hall will be primarily occupied by freshmen and sophomores. She testified that freshmen and sophomores are not allowed to have cars on the Applicant's campus. She testified that there are public sidewalks on both sides of the 6300 block of North Winthrop Avenue. She testified that a student living in the proposed residence hall would typically have to walk one to two blocks to his or her classes. She testified that if a student were crossing Sheridan Road, which is a very busy feeder street to Lake Shore Drive, there is a traffic signal at Winthrop and Sheridan. She testified that students living in the proposed residence hall would have ready access to public transportation and ride-sharing programs.

She testified that she had been employed with the Applicant since 2002. She testified that the Applicant's investment in the Kenmore-Winthrop neighborhood of east Edgewater – or as she had been calling it south campus – had improved property values in that neighborhood. She testified that the Applicant's property investment arm Lakeside Management regularly monitors things such as rent increases, rental rates and property

values. She testified that real estate assessments have also increased in the area as well. She testified that the Applicant has roughly 10,000 undergraduate students that reside and take classes at the Applicant's lakeside campus. She testified that these undergraduate students donate tens of thousands of hours to the community at soup kitchens, neighborhood schools, afterschool programs and tutoring centers. She testified that if she were to continue to testify, her testimony would be consistent with her affidavit attached to the Applicant's proposed Findings of Fact.

The Applicant presented the testimony of its land planner Mr. Timothy Barton. Mr. Barton testified that he had previously prepared and submitted a report that addressed all criteria that the ZONING BOARD OF APPEALS needed to consider for the granting of a special use. He testified the proposed special use (provided the variation was granted) complied with all applicable standards of the Chicago Zoning Ordinance, such as height and Floor Area Ratio ("FAR"). He testified that colleges are a permitted use in the RM-6 zoning district. He testified that the proposed special use was in the interest of the public convenience because it will allow the Applicant to meet the demand for student housing at its campus. He testified that the proposed special use will not have a significant adverse impact on the general welfare of the neighborhood: (1) because the block has five other residence halls, all of which are within Planned Development ("PD") 34, which was established in 1966 and last amended in 2010. He testified that the proposed special use was compatible with the character of the surrounding area in terms of site planning and building scale and project design because: (1) the rest of the block is located within PD 34, which allows for the development and construction of residence halls of the type and scale of the proposed residence hall; and (2) although there is still some single-story residential, much of the development in east Edgewater is comprised of high-rise residential use. He testified that the only reason the subject property was not within PD 34 was because it had been acquired after the last substantial amendment to PD 34 in 2010. He testified that PD 34 contains about 66 acres and the subject property is less than 1 acre. He testified that the proposed special use is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, lighting, noise and traffic generation because the Applicant will operate the proposed residence hall in the same manner the Applicant operates its other residence halls. To that end, he testified to: (1) the Applicant's quiet hours for residence halls; and (2) the fact that because the Applicant's freshmen and sophomores are not allowed cars on campus and because of the abundance of public transportation in the neighborhood, the proposed special use will have no impact on traffic. He testified that the proposed special use is designed to promote pedestrian safety and comfort because: (1) there will be ample open space in front of the proposed residence hall, promoting pedestrian visibility; and (2) the proposed residence hall will be within the boundaries of the Applicant's campus and will be policed by the Applicant's police. He then testified that if he were to continue to testify, his testimony would be consistent with his report.

The Applicant presented the testimony of its project architect Mr. Chadd Harrison. Mr. Harrison testified that he has spent the last seven years designing higher education buildings, three of which have been residence halls. He testified as to his program of development for the proposed residence hall, especially its sustainable features such as

natural lighting by way of a light corridor and best-design practices such as community-centric space. His testimony relied heavily on the Applicant's zoning variance diagram previously submitted to the ZONING BOARD OF APPEALS as an exhibit to the Applicant's proposed Findings of Fact. He testified that due to the required setbacks of the subject property, the Applicant lost half of the subject property's buildable area. He testified that if the Applicant were to build the proposed residence hall within the required setbacks, such residence hall would be a box with long straight corridors. He testified that in such a building, it would be difficult to bring in any kind of sustainable features, such as natural light. He testified that therefore the Applicant required the requested setback relief so that it could incorporate sustainable design features into the proposed residence hall. He testified that if he were to continue to testify, his testimony would be consistent with his affidavit attached to the Applicant's proposed Findings of Fact.

The Applicant presented the testimony of its civil engineer and landscape architect Mr. Patrick Brawley. Mr. Brawley testified that he was the project's civil engineer and landscape architect. He testified that his role was to meet the water management requirements for storm water as well as site design. He testified that the existing conditions of the subject property cause immediate hardship for the Applicant. In particular, he testified that there is a 2'6" deviation in grade from the grade at the west¹ side of the subject property and the grade at the east side² of the subject property. He testified that in addition on the east side of the subject property there is a very significant grade change ranging from 8 to 15%. He testified this significant grade change is located in the front setback and in the area that leads to the entrance of the proposed residence hall. He testified that the Applicant's proposed grading for the subject site includes retaining walls located in the front and side yard setback areas. He testified that these retaining walls are a function of the existing conditions he had previously described, that is: the slope of the site and the site grade. He testified that the retaining walls effectively serve to stabilize the front of the subject property. He testified that the existing site grade is a topographical condition that creates practical difficulties or particular hardships in constructing the proposed residence hall in strict compliance of the Chicago Zoning Ordinance. He testified that due to the foundations of the prior buildings on the subject property, the Applicant will need to perform excavation work which will result in additional site leveling and grade change adjustments. He testified that the proposed residence hall has required life-safety exits on both the north and south sides of the subject property. He testified that though these exits are legally required, they still are located in the north and south side setbacks and therefore the Applicant requests 0' north and south setbacks. He testified that if he were to continue to testify, his testimony would be consistent with his affidavit attached to the Applicant's proposed Findings of Fact.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Brawley further testified that the unique hardship the Applicant faced is that typically in the City the alley and street frontages of a lot were within ½' to 1' of the same grade as each other. He testified that the subject property is a unique site in that there is a 2'6" grade

¹ The alley side of the subject property.

² The street side of the subject property.

differential. He testified that this grade differential was what drove the challenge in ensuring that the proposed building had accessible entrances at grade and ensuring that the alley not drain into anything but itself.

Forty-eighth ward alderman Alderman Harry Osterman's chief of staff Mr. Dan Luna testified as to Alderman Osterman's community process with respect to the Applicant's proposed applications.

Mr. Jim Ness, of 6342 N. Sheridan Road, testified in support of the Applicant's applications.

Without leave of the ZONING BOARD OF APPEALS, the Objectors began projecting a power point presentation onto the screen behind the ZONING BOARD OF APPEALS. With the exception of the photographs showing the current improvements in the neighborhood, the slides in the power point presentation were not relevant to the Applicant's applications. The majority of the slides dealt with planned developments in general and PD 34 in particular.

Ms. Tricia Van Eck, of 6253 N. Sheridan Road, testified in opposition of the Applicant's applications. She then testified that she believed the subject property was within PD 34.

The ZONING BOARD OF APPEALS explained to Ms. Van Eck that the subject property was not within PD 34.

Ms. Van Eck then testified that nevertheless she believed that the point of setbacks was to decrease density, and that she believed the Edgewater neighborhood was the densest neighborhood in the City. She testified that the point of setbacks was to preserve light. She testified that the proposed residence hall was incompatible with the character of the existing buildings in the community. She testified that the Edgewater community enjoyed diversity in its housing stock but that because the Applicant was tearing down the existing buildings on the subject property, such housing diversity was lost.

Ms. Kathryn Gemperle, of 5222 N. Lakewood, testified in opposition to the applications. She testified as to a series of pictures of the neighborhood, such pictures being part of the Objectors' power point presentation. She testified that these pictures showed that Edgewater was a neighborhood of high-rise and low-rise living. She testified that she did not believe there was a hardship and wished to know what the FAR of the subject property allowed. She testified that she wanted to know about parking requirements, in particular why the parking requirements of PD 34 did not apply to the subject property.

Mr. Holler stated that the subject property was not within PD 34.

The ZONING BOARD OF APPEALS stated that the subject property was not within PD 34 and that parking was not an issue before the ZONING BOARD OF APPEALS.

Mr. Holler stated that the City's Department of Planning and Development (the "Department") had issued a parking determination letter that zero parking spaces were required for the subject property.

The ZONING BOARD OF APPEALS stated that Mr. Holler was correct but that it would not stop Ms. Gemperle from testifying.

Mr. Holler then objected to a series of slides in the Objector's power point presentation, noting that the information being presented to the ZONING BOARD OF APPEALS by the Objectors was taken from PD 34. He stated that this was not appropriate as the subject property was located within a RM-6 zoning district.

Ms. Van Eck argued that setbacks in the RM-6 zoning district were the same as those of PD 34.

Mr. Holler stated that he would need to do the math to be certain, but that looking at the Objectors' power point presentation, he did not believe that to be the case. He noted that the Objectors' power point presentation stated that the side yard setback had a minimum requirement of 25'. He stated that the subject property's side yard setback had a minimum requirement of 20'. He again objected to the use of PD 34 criteria because the subject property was not located within a PD.

The ZONING BOARD OF APPEALS sustained Mr. Holler's objection.

Ms. Van Eck testified that this is why the Applicant should have met with the Objectors prior to the hearing. She testified that such a meeting would have saved everyone time.

Mr. Holler stated that Ms. Van Eck could look at the City's zoning website at any time and determine whether or not the subject property was located within PD 34. He stated that it would only require four mouse clicks to obtain an answer. He stated that obviously such an effort had not been made by the Objectors prior to the hearing.

The ZONING BOARD OF APPEALS stated that the zoning of the subject property was in fact on the City's website. It stated that the ZONING BOARD OF APPEALS staff could show the Objectors if the Objectors so wished.

Mr. Allen Stryczek, of 1244 W. Granville, testified in opposition to the applications. He testified that while there had been community meetings prior regarding the Applicant's applications, most of the information presented at the hearing to the ZONING BOARD OF APPEALS was new. He testified that he and his fellow Objectors had attempted to have substantive meetings with the Applicant but that the Applicant had not responded to their requests.

The ZONING BOARD OF APPEALS stated that while it encouraged applicants to meet with the community with respect to their applications, there was no legal requirement that such a meeting take place. The ZONING BOARD OF APPEALS stated that the only hearing with respect to the applications that mattered was the public hearing that it was currently holding. The ZONING BOARD OF APPEALS stated that the Applicant had done everything legally required of it.

Mr. Holler then objected to the next slides of the Objectors' power point presentation as it related to a tax increment financing ("TIF") agreement from approximately 2006. He stated that the subject property was not located in a TIF redevelopment area.

The ZONING BOARD OF APPEALS stated that such slides of the power point presentation were not relevant.

Ms. Van Eck testified that the TIF agreement had been entered into by the Applicant and the community.

Mr. Holler stated that the TIF agreement had been entered into by the Applicant and the City.

Ms. Van Eck testified that she did not believe such agreement had been kept.

Mr. Holler stated that the TIF agreement in question had dealt with an \$88 million renovation of Mundelein Hall, which was one of the many historical preservation commitments the Applicant had made.

The ZONING BOARD OF APPEALS reminded all parties that the issue before the ZONING BOARD OF APPEALS was the applications.

The Objectors continued with their power point presentation, showing a slide that depicted recent quotes by the *Chicago Tribune* architect critic Blair Kamin about the Lincoln Yards project.

The ZONING BOARD OF APPEALS stated that the public hearing was on the specific property of 6314 N. Winthrop which was located in the Edgewater neighborhood.

Ms. Van Eck testified that she and her fellow Objectors were talking about density and overrunning of density. She asked the ZONING BOARD OF APPEALS if increase of density was an improvement. She testified that to her the core issue was: did the public receive anything in return for the Applicant's reduced setbacks? She testified that the Applicant was intruding on public space.

The ZONING BOARD OF APPEALS stated that subject property was private not public property.

In response to questions by an unidentified person, the ZONING BOARD OF APPEALS read into the record the Applicant's request for variation.

The ZONING BOARD OF APPEALS stated that while it understood the Applicant's request for a special use, it did not understand what the Applicant's hardship was with respect to the requested variation. It stated that everything that had been described to the ZONING BOARD OF APPEALS thus far by the Applicant had been about wanting a building to fit in the space the Applicant had left. It stated that when it looked at the Applicant's zoning variance diagram in the Applicant's proposed Findings of Fact, it did not understand why the Applicant cannot provide a design for the proposed residence hall that does not require coming before the ZONING BOARD OF APPEALS.

Mr. Holler stated that everyone that came before the ZONING BOARD OF APPEALS could always find a way to put a building within a setback.

The ZONING BOARD OF APPEALS stated that this was not true. It stated that the ZONING BOARD OF APPEALS had been holding hearings since 9:00 that morning³ and had heard several applications where that was not the case.

Mr. Holler stated that in working with the Department, the Department had opined that the Applicant required setback relief for portions of the proposed residence that the Applicant did not believe obstructed the setbacks for the subject property, such as the at-grade sidewalks, the at-grade patio and the 30" retaining wall. He stated that this was what drove the front and side yard setbacks to 0'. He noted that no part of the actual building extended into the front or north setback. He stated that would like to rebut the contention that the Applicant had created its own hardship. He noted that Ms. Henning testified that she had worked for the Applicant since 2002 and was familiar with the subject property. He stated that the Applicant was in the process of taking down the buildings on the subject property to grade. He stated that the Applicant did not do any excavating and did not move any dirt. He testified that the Applicant did not create the 2'6" grade differential between the street side of the subject property and the alley side of the subject property. He stated that this grade differential was a particular hardship that required retaining walls, especially as the Applicant would have to excavate the subgrade improvements that still remained from the prior buildings.

He stated that the Applicant tried very hard with best design and green practices and that he believed such practices were enough to create hardship. He stated that developers in the City should not only be attempting to comply with the Chicago Zoning Ordinance but also green design practices. He stated that strictly complying with the Chicago Zoning Ordinance would not allow the proposed residence to have its natural light corridor. He stated that the Applicant also needed to provide a life-safety sidewalk but although required the Chicago Zoning Ordinance did not recognize such a sidewalk as a permitted obstruction in a setback.

³ The hearing on the Applicant's applications began at approximately 3:05 PM and ended at approximately 4:52 PM

In response to questions by the ZONING BOARD OF APPEALS, Mr. Holler stated that the retaining walls encroached on the north, south and front setbacks. He stated that the Applicant would still be before the ZONING BOARD OF APPEALS even if it did not need the retaining walls because of the emergency exit located at the south side of the subject property. He stated a similar emergency exit on the north side of the subject property encroached on the north side setback and necessitated setback relief. He stated that rather than fight the Department on whether or not these emergency exits were actually unpermitted obstructions in the north and south setbacks, the Applicant accepted the Department's interpretation of the Chicago Zoning Ordinance.

The ZONING BOARD OF APPEALS reminded Mr. Holler that everyone that came before the ZONING BOARD OF APPEALS had received a zoning denial letter from the Department. It stated that it did not believe that such a zoning denial letter could be considered a hardship under the Chicago Zoning Ordinance.

Mr. Holler stated that whether or not an at-grade piece of concrete obstructed and occupied a setback area so as to necessitate relief from the ZONING BOARD OF APPEALS created a close call.

The ZONING BOARD OF APPEALS stated that it disagreed with this analysis.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Brawley testified that even if the Applicant eliminated the light corridor, the Applicant would have no way to build the building without requesting setback reductions as there would be no accessible ingress or egress without major ramping at the front of the building.

Mr. Stryczek then asked the ZONING BOARD OF APPEALS to continue the matter.

The ZONING BOARD OF APPEALS stated that the time to ask for a continuance had passed. It stated that had Mr. Stryczek asked for a continuance prior to the start of the hearing on the applications, such a continuance might have been granted. It stated that when it asked for continuances at the beginning of its 2:00 PM session, no one had asked for a continuance on the Applicant's applications.

Ms. Van Eck testified she had asked for a continuance prior to the start of the hearing on the applications because she had asked Mr. Holler for a continuance.

The ZONING BOARD OF APPEALS stated that one had to ask the ZONING BOARD OF APPEALS for a continuance. It stated that it had gone on the record and asked if there were any continuances and no continuances on these applications had been asked for. It stated it had asked two or three times for continuances prior to the start of its 2:00 PM session.

Ms. Van Eck testified that she heard the ZONING BOARD OF APPEALS ask for continuances but that she did not believe she was allowed to ask because Mr. Holler had said no.

The ZONING BOARD OF APPEALS stated it could not speak to Ms. Van Eck's beliefs but that it had been open and transparent in its request for continuances prior to the start of its 2:00 PM session.

Ms. Van Eck testified that the ZONING BOARD OF APPEALS had been open and transparent.

In response to the Objectors' testimony with respect to community meetings, Ms. Henning further testified as to dates of meetings the Applicant had held with various community groups. She testified that while some of these meetings resulted in alternative proposals for the proposed residence hall that the Applicant was not willing to accept, meetings had taken place with the community.

In response to Objectors' testimony and questions by the ZONING BOARD OF APPEALS with respect to hardship, Mr. Brawley further testified that he has worked on a number of other development projects within the City. He testified that he has never encountered a grade change such as exists on the subject property. He testified that the constraints of the subject property are extremely unique in the sense that the grades on the alley side are significantly higher elevation than they are on the Winthrop side. He testified that this provides a very unique situation where the building elevations must be set so that they meet the requirements for proper water management. He testified that the unique grade changes therefore drive a lot of decisions regarding the civil engineering and architectural engineering for the proposed residence hall. He testified that there was much technical work to be done to ensure that the elevations and pitch are correct.

B. Criteria for a Special Use

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

C. 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.*

The subject property is located in a RM-6 zoning district. As a residence hall is considered "group living not otherwise classified", it is a special use in any RM zoning district. As credibly testified to by Mr. Barton and as further noted in his report, should the special use and variation be granted, the proposed special use will comply with all applicable standards of the Chicago Zoning Ordinance. Since the ZONING BOARD OF APPEALS has decided to grant the special use

and variation to the Applicant, the Applicant's proposed special use 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.*

The proposed special use will allow the Applicant to construct the proposed residence hall. As Ms. Kenning credibly testified, the Applicant is experiencing a severe housing shortage. The proposed residence hall will help alleviate this housing shortage and thus will be in the interest of the public convenience. Further, the proposed special use will not have a significant adverse impact on the general welfare of the neighborhood or community. As both Ms. Kenning and Mr. Barton both credibly testified, the Applicant has other residence halls on the block, notably immediately north of the subject property and across the street from the subject property. Ms. Kenning also credibly testified that the Applicant will be investing \$47 million into the subject property by constructing the proposed residence hall. Further, she testified that the Applicant's investment in this neighborhood (i.e., the Applicant's south campus) has improved property values in 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 special use will allow the Applicant to construct the proposed residence hall. As noted above, the Applicant has other residence halls on the block. Moreover, and as best shown on the reproduction of the City's zoning map on page 4 of Mr. Barton's report, the subject property is almost entirely surrounded by PD 34. The other residence halls on the block are all located within PD 34, and as Ms. Kenning credibly testified, the Applicant has ensured that the proposed residence hall will match the character of its other residence halls in terms of site planning and building scale and project design. In particular, the proposed residence hall is very similar in size and scale to the Applicant's residence halls across the street from and north of the subject property. Further, and as credibly testified to by Mr. Barton and as further noted in his report, much of the east Edgewater neighborhood is comprised of high-rise residential use. This may be seen not only in the pictures attached to the Applicant's Proposed Findings of Fact but also in the pictures presented in the Objectors' power point presentation.

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 Ms. Kenning credibly testified, the Applicant will operate the proposed residence hall in the same manner it operates its other residence halls. As

credibly testified to by Mr. Barton and as further outlined in his report, this includes residence hall quiet hours. Further, the proposed special use will not have any impact on traffic generation. As Ms. Kenning credibly testified, the proposed residence hall will be for freshmen and sophomores. The Applicant does not allow freshmen and sophomores to have cars on campus. There is also – as credibly testified to by Mr. Barton and as further outlined in his report – an abundance of public transportation in the area.

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

As credibly testified to by Mr. Barton and as further outlined in his report, there will be ample open space in front of the proposed residence hall, promoting pedestrian visibility. Further, the proposed residence hall will be within the boundaries of the Applicant's campus and will be policed by the Applicant's police.

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.*

As credibly testified to by Ms. Kenning, the Applicant is experiencing a severe housing shortage for its students. The Applicant's campus is bounded on the north by a RS-1 zoning district, on the west by the CTA embankment and Sheridan Road and on the east by Lake Michigan and North Sheridan Road. Therefore, the only place to locate the proposed residence hall is on the subject property. Further, there is an extreme grade differential between the street and alley sides of the subject property as well as subgrade improvements on the subject property remaining from the prior buildings. These facts taken together create practical difficulties or practical hardships for the subject property should strict compliance with the regulations and standards of the Chicago Zoning Ordinance be required.

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

Pursuant to Section 17-1-0502 of the Chicago Zoning Ordinance, the requested variation will preserve the overall quality of life for residents and visitors. Pursuant to Section 17-1-508 of the Chicago Zoning Ordinance, the requested variation will maintain orderly and compatible land use and development practices. Pursuant to Section 17-1-0512 of the Chicago Zoning Ordinance, the requested variation maintains a range of housing choices and options. Pursuant to

Section 17-1-0514 of the Chicago Zoning Ordinances, the requested variation accommodates growth and development that complies with the other stated purposes 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.*

Without the requested variation, the Applicant would not be able to construct the proposed residence hall on the subject property. As Mr. Brawley very credibly testified, the extreme grade differential between the street side and alley side of the subject property require that the front, south and north setback be reduced so that the Applicant can construct retaining walls. As Mr. Chadd Harrison credibly testified, without the reduction to the rear setback, the proposed residence hall would be a long box with long corridors, which would make it very difficult to have natural light in the proposed residence. Lack of natural light would not create state-of-the-art facilities that would complement the Applicant's programs and the transformative experience that the Applicant wishes for its students to have. As Ms. Kenning credibly testified, due to the fact that the Applicant's campus is bounded on the north by a RS-1 zoning district, on the west by the CTA embankment and Sheridan Road and on the east by Lake Michigan and North Sheridan Road, the Applicant has nowhere else to locate the proposed residence hall. Therefore, without the requested variation, the property in question could not yield a reasonable rate of return as the Applicant could not construct the proposed residence hall to alleviate its housing shortage. As is, and as Ms. Kenning credibly testified, the proposed residence hall has a higher cost-per-bed than the Applicant would like.

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

The grade differential of the subject property and the fact that the Applicant's campus is bounded on the north by a RS-1 zoning district, on the west by the CTA embankment and Sheridan Road and on the east by Lake Michigan and North Sheridan Road are unique circumstances that are not generally applicable to other residential property. In particular, Mr. Brawley very credibly testified that he has never seen such a site grade differential on another lot in the City.

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

The variation, if granted, will allow the proposed residence hall to be constructed. As Ms. Kenning and Mr. Barton credibly testified, the Applicant has five other residence halls on the block. Moreover, and as best shown on the reproduction of the City's zoning map on page 4 of Mr. Barton's report, the subject property is almost entirely surrounded by PD 34. The other residence halls on the block are all located within PD 34, and as Ms. Kenning credibly testified, the Applicant has ensured that the proposed residence hall will match the character of its other residence halls in terms of site planning and building scale and project design. In particular, the proposed residence hall is very similar in size and scale to the Applicant's residence halls across the street from and north of the subject property. Further, and as credibly testified to by Mr. Barton and as further noted in his report, much of the east Edgewater neighborhood is comprised of high-rise residential use. The variation will therefore not alter the essential character of the neighborhood.

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

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

The particular physical surroundings – that is, the fact that the Applicant has no other option but to expand its campus to the subject property – and the topographical condition of the subject property – that is, the fact there is an extreme grade differential between the street and alley sides of the subject property – results in particular hardship upon the Applicant as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.

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

The grade differential of the subject property and the fact that the Applicant's campus is bounded on the north by a RS-1 zoning district, on the west by the CTA embankment and Sheridan Road and on the east by Lake Michigan and North Sheridan Road are conditions not applicable, generally, to other property within the RM-6 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 will allow the Applicant to construct the proposed residence hall. This will allow the Applicant to alleviate its housing shortage and allow the Applicant to create state-of-the-art facilities that would complement the Applicant's programs and the transformative experience that the Applicant wishes for its students to have. Therefore, the purpose of the variation is not 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 any person presently having an interest in the property.*

The Applicant did not create the location of the adjoining RS-1 zoning district, the CTA embankment, Sheridan Road, Lake Michigan or North Sheridan Road. The Applicant also did not create the extreme grade differential on the subject property.

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

The reduction to the front, north and south setbacks will allow the Applicant to construct retaining walls and accessible entranceways. No portion of the actual proposed residence hall will therefore actually be located in the front, north and south setbacks. The retaining walls will ensure there is adequate water management for the subject property. The accessible entranceways will ensure that there is adequate accessible emergency ingress and egress into the proposed residence hall. The reduction to the rear setback will allow for the Applicant to ensure that the proposed residence hall is designed in such a manner as to ensure there is adequate natural light for the residents of the proposed residence hall. Said reduction to the rear setback will not affect nearby property because the CTA railway embankment is across from the other side of the rear alley. Based on the above, the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

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 allow the proposed residence to be constructed. As shown by the Applicant's site plans and elevations, the proposed residence has been designed in such a way as to not impair an adequate supply of light and air to adjacent properties. In fact, and as noted above, only the retaining walls and accessible entranceways will be located in the front, north and south setbacks. The reduction to the rear yard setback also will not impair an adequate supply of light and air to adjacent properties because, and as also noted above, the CTA railway embankment is across from the other side of the rear alley. Further, the

proposed variation will not increase congestion in the public streets because the Applicant will not allow residents of the proposed residence hall to have cars on campus and because the campus is located near an abundance of public transportation. The proposed variation will not increase the danger of fire or endanger the public safety because the proposed residence hall will be constructed to meet or exceed all applicable fire and life safety codes. As Ms. Kenning credibly testified, the proposed residence hall will also not diminish or impair property values in 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: (1) the specific criteria for a special use pursuant to Section 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 conditions:

1. The special use shall be issued solely to the Applicant; and
2. Development shall be consistent with the design, layout, materials, plans and drawings dated December 4, 2018, prepared by Solomon Cordwell Buenz.

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

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

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

APPLICANT: Kings 23 Development, LLC **CAL NO.:** 57-19-Z

APPEARANCE FOR: Mark Kupiec **MINUTES OF MEETING:**
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 219 W. 23rd Street

NATURE OF REQUEST: Application for a variation to reduce the front setback from 0.63' to zero, rear setback from 30' to 20' on floors containing dwelling units for a proposed four-story building with ground floor office and six dwelling units above.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

SHAINA DOAR
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 January 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 4, 2019; 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 zero, rear setback to 20' on floors containing dwelling units for a proposed four-story building with ground floor office and six dwelling units above; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

[Signature]

CHAIRMAN

RECEIVED

FEB 19 2019

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

APPLICANT: Kings 23 Development, LLC

CAL NO.: 58-19-Z

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 217 W. 23rd Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 30' to 20' on floors containing dwelling units for a proposed four-story building with ground floor office and six dwelling units above.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

SHAINA DOAR
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 January 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-
Times on January 4, 2019; 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' on floors containing dwelling units for a proposed four-story building with ground floor office and six dwelling units above; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

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FEB 19 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE

[Signature]

Art. **CHAIRMAN**

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

APPLICANT: 312 Properties, LLC- 1645 E. 53rd Street

CAL NO.: 59-19-Z

APPEARANCE FOR: Frederick Agustin

MINUTES OF MEETING:
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1645 E. 53rd Street

NATURE OF REQUEST: Application for a variation to reduce the west setback from 2' to zero for a proposed third and fourth floor addition and a rear three-story addition to convert the existing two-story office building to a mixed use building with medical office on the first floor and four dwelling unit.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

SHAINA DOAR
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 January 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-times on January 4, 2019; 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 west setback to zero for a proposed third and fourth floor addition and a rear three-story addition to convert the existing two-story office building to a mixed use building with medical office on the first floor and four dwelling unit; 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

Sam Toia

CHAIRMAN

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Page 63 of 82

FEB 19 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

APPLICANT: Sandler Innovations, LLC

CAL NO.: 60-19-S

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1632 N. Milwaukee Avenue

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

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

SHAINA DOAR
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 January 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 4, 2019; 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; 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 special use is issued solely to the applicant, Sandler Innovations, LLC.

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

APPROVED AS TO SUBSTANCE

[Signature]

act. CHAIRMAN

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FEB 19 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

APPLICANT: Avi Ron **CAL NO.:** 61-19-Z
APPEARANCE FOR: John Pikarski **MINUTES OF MEETING:**
January 18, 2019
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2939-47 W. Catalpa Avenue

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 22.88' to 20', east setback from 12.01' to 6.41', combined side setback from 36.02' to 7.88' for the existing one story, single family residence to remain at 2939 W. Catalpa. A single family residence is proposed for 2947 W. Catalpa Avenue.

ACTION OF BOARD-
Continued to February 15, 2019 at 2:00 p.m.

THE VOTE

SHAINA DOAR
 SOL FLORES
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

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FEB 19 2019

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: Jack Tusk

CAL NO.: 62-19-Z

APPEARANCE FOR: Tyler Manic

MINUTES OF MEETING:
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 5343 N. Wayne Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 36.9' to 1.59', north and south side setback from 2.4' to zero each, combined side setback from 6' to zero, rear setback feature from 2' to 1.59' for a proposed three-car garage with roof deck access from an existing rear open porch.

ACTION OF BOARD-
Continued to February 15, 2019 at 2:00 p.m.

THE VOTE

SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

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FEB 19 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE

[Signature]

CHAIRMAN

ZONING BOARD OF APPEALS
CITY OF CHICAGO

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



MAR 18 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

Touhy Avenue Operating Company

APPLICANT

63-19-S

CALENDAR NUMBER

12521 W. Touhy Avenue

PREMISES AFFECTED

January 18, 2019

HEARING DATE

ACTION OF BOARD

THE VOTE

The application for the special use for an adult use is approved subject to the conditions set forth in this decision.

Shaina Doar
Sol Flores
Sam Toia
Amanda Williams

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

**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE SPECIAL USE APPLICATION FOR AN ADULT
USE FOR 12521 W. TOUHY AVENUE BY TOUHY OPERATING COMPANY**

I. BACKGROUND

The Touhy Avenue Operating Company (the "Applicant") submitted an application for a special use for an adult use for 12521 W. Touhy (the "subject property"). The subject property is currently zoned M3-2 and is improved with a one-story brick building (the "building"). The Applicant currently operates an adult bookstore in the building (the "existing bookstore") pursuant to that certain special use for an adult use granted by the ZONING BOARD OF APPEALS to the Applicant on January 15, 1999 as Board Calendar Number 481-98-S (the "Original Special Use") and as modified by that certain special use granted by the ZONING BOARD OF APPEALS to the Applicant on July 19, 2002 as Board Calendar Number 279-02-0S (the Original Special Use, as modified, the "2002 Special Use"). Pursuant to the 2002 Special Use, the Applicant's shareholders were limited solely to Mr. Anthony Musso and his son Mr. Joseph Musso. Mr. Anthony Musso has since died, and Mr. Joseph Musso would like to transfer stock in the Applicant to his wife Ms. Meghan Russo. To do so, the Applicant sought a new special use.¹ In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City's Department of Planning and Development (the "Zoning Administrator") recommended approval of the proposed special use for an adult use

¹ See Section 17-13-0910 of the Chicago Zoning Ordinance.

APPROVED AS TO SUBSTANCE



CHAIRMAN

provided that: (1) the special use is limited solely to the Applicant; (2) Mr. Joseph Musso and Ms. Meghan Musson remain the sole shareholders of the Applicant.

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's application for a special use for a an adult use at its regular meeting held on January 18, 2019, 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 sole remaining shareholder Mr. Joseph Musso and its attorney Mr. Thomas S. Moore were present. The Applicant's MAI certified real estate appraiser Mr. Joseph M. Ryan as well as its prospective shareholder Ms. Meghan Musso were also present. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

The Applicant presented the testimony of its sole remaining shareholder Mr. Joseph Musso. Mr. Musso testified that his late father Mr. Anthony Musso had established the existing bookstore pursuant to the Original Special Use. He testified the Original Special Use limited the Applicant's shareholder solely to his father. He testified that in 2002, when his father's health began to fail, the Applicant returned to the ZONING BOARD OF APPEALS to modify the Original Use so that he could join his father as a shareholder of the Applicant. He testified that his father passed away shortly after that and so he has been running the existing bookstore ever since. He testified that in the past 20 years, the Applicant has had no problems, no incidents with the neighbors and no crime in running the existing bookstore. He testified that the Applicant has been operating the existing bookstore without bothering anyone else. He testified that the subject property is located among the warehouses next to O'Hare Airport so it does not really have any neighbors other than industrial use neighbors. He testified that he now has a family and he wishes to protect his family if something were to happen to him. He testified that therefore he is requesting the ZONING BOARD OF APPEALS to modify the 2002 Special Use so that his wife Ms. Meghan Musso could be made a shareholder in the Applicant. He testified that the idea is that if anything were to happen to him, Ms. Musso could step in and run the existing bookstore. He testified that she occasionally helps him with the existing bookstore now. He testified that if he were to continue to testify, his testimony would be consistent with the affidavit attached to the Applicant's proposed Findings of Fact.

The Applicant presented the testimony of Ms. Meghan Musso.

The Applicant presented the testimony of its MAI certified real estate appraiser Mr. Joseph M. Ryan. The ZONING BOARDS OF APPEALS acknowledged Mr. Ryan's credentials as an expert in real estate appraisal.

The Applicant's attorney Mr. Thomas S. Moore explained to the ZONING BOARD OF APPEALS that the report that Mr. Ryan had originally submitted with the Applicant's proposed Finding of Fact had addressed the general criteria for a special use as set forth in Section 17-13-0905-A of the Chicago Zoning Ordinance rather than the special criteria for a special use for an adult use as set forth in Section 17-13-0905-D of the Chicago Zoning Ordinance. Mr. Moore stated that the ZONING BOARD OF APPEALS would receive Mr. Ryan's supplemental report by the next business day.

Mr. Ryan then testified that the proposed special use: (1) will not have a negative effect on property values in the commercial or industrial enterprises in the surrounding area as there is no pedestrian traffic in the area as all the adjacent buildings are industrial, warehouse-type buildings adjacent to the airport; (2) will not increase crime as the existing bookstore has existed at the subject property since 2000 without any increase in crime; (3) will not have an adverse effect on traffic flow or parking within the surrounding area as the subject property is right off Touhy Avenue and has ample parking; (4) will not generate noise levels that would disrupt the peace and enjoyment of surrounding areas; (5) will not change the character of the surrounding neighborhood because of its hours of operation or the use of the subject property for the existing bookstore because the surrounding neighborhood is mostly industrial in nature and because the subject property is one of the few commercial uses located on Touhy Avenue between Busse and Mannheim Road; (6) is consistent with the exterior appearance of the other commercial establishments because the existing bookstore is well set back from the road and because with warehouses in front of it, ones does not notice the existing bookstore; (7) conforms with all applicable regulations of the district in which it is located; and (8) complies with all applicable standards of the Chicago Zoning Ordinance which relate to adult use.

A. Criteria for a Special Use For Adult Uses

Pursuant to Section 17-13-0905-D of the Chicago Zoning Ordinance, no special use application for an adult use may be approved unless the ZONING BOARD OF APPEALS finds that the special use complies with all of the following criteria: (a) the use will not increase crime in the neighborhood in which it is located; (b) the use will not adversely affect other commercial or industrial enterprises in the surrounding area; (c) the use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located; (d) the use will not have an adverse effect on traffic-flow or parking within the surrounding area; (e) the use will not generate noise levels that would disrupt the peace and enjoyment of surrounding areas; (f) the use will not have an adverse effect on the character of the surrounding neighborhood because of the hours of operation of use; (g) the use will not be inconsistent with the exterior appearance of other commercial establishments; (h) the use will conform to the applicable regulations of the district in which it is to be located; and (i) the use complies with all other applicable city standards, including those of Section 17-9-0101 of the Chicago Zoning Ordinance.

III. FINDINGS OF FACT

After careful consideration of the evidence, testimony and the entire record, in the Applicant's proposed Findings of Fact, and consistent with the Applicant's constitutional rights, as contained in the First, Fifth and Fourteenth Amendments of the United States Constitution, and Sections 2 and 4 of Article I of the Illinois Constitution, the ZONING BOARD OF APPEALS hereby makes the following findings with reference to the Applicant's application for a special use for an adult use pursuant to Section 17-13-0905-D of the Chicago Zoning Ordinance:

1. *The proposed special use for an adult use will not increase crime in the neighborhood in which it is located.*

As both Mr. Russo and Mr. Ryan credibly testified, the existing bookstore has been operating for the last twenty (20) years without increasing crime in the neighborhood.

2. *The proposed special use for an adult use will not adversely affect other commercial or industrial enterprises in the surrounding area.*

As Mr. Russo credibly testified, the Applicant has been operating its existing bookstore without bothering anyone else and without any incidents with neighbors. Further, as Mr. Ryan credibly testified, there is no pedestrian traffic in the area as all adjacent buildings to the subject property are industrial in nature as they are warehouse-type buildings adjacent to O'Hare Airport.

3. *The proposed special use for an adult use will not cause substantial injury to the value of other property in the neighborhood.*

As Mr. Ryan credibly testified, the proposed special use will not negatively affect other commercial or industrial property values in the surrounding area. As noted above, there is no pedestrian traffic in the area as all adjacent buildings to the subject property are industrial in nature as they are warehouse-type building adjacent to O'Hare Airport. Moreover, the subject property is one of the few commercial uses in the area.

4. *The proposed special use for an adult use will not have an adverse effect on traffic-flow or parking within the surrounding area.*

The subject property is located right off Touhy Avenue and has ample parking. It therefore will not have an adverse effect on traffic-flow or parking within the surrounding area.

5. *The proposed special use for an adult use will not generate noise levels that would disrupt the peace and enjoyment of surrounding areas.*

As Mr. Ryan noted in his report, there has been no generation of noise that has had an adverse impact on the surrounding area since the introduction of the existing bookstore in 2002. Therefore, the proposed special use will not generate noise levels that would disrupt the peace and enjoyment of surrounding areas.

6. *The proposed special use for an adult use will not have an adverse effect on the character of the surrounding neighborhood because of the hours of operation of use.*

As noted above, the subject property is located in a mainly industrial area improved with warehouses-type buildings that are adjacent to O'Hare Airport. Moreover, the subject property is one of the few commercial uses in the area. Therefore, the hours of operation of the Applicant's proposed special use will not have an adverse effect on the character of the surrounding neighborhood. Further, as Mr. Musso credibly testified, the existing bookstore has not had any incidents since it opened in 2002.

7. *The proposed special use for an adult use will not be inconsistent with the exterior appearance of other commercial establishments.*

As Mr. Ryan credibly testified, the existing bookstore is well set back from Touhy Avenue. With warehouses in front of it, a person driving by does not notice the existing bookstore.

8. *The proposed special use for an adult use will conform to the applicable regulations of the district in which it is to be located.*

The subject property is located in a M3-2 zoning district. An adult use is a special use in a M3-2 zoning district. As the ZONING BOARD OF APPEALS has decided to grant the proposed special use, the proposed special use for an adult use will conform with applicable regulations of the M3-2 zoning district.

9. *The proposed special use for an adult use complies with all other applicable city standards, including those of Section. 17-9-0101 of the Chicago Zoning Ordinance.*

The proposed special use will allow for the Applicant to continue the existing bookstore. The existing bookstore complies with all other applicable City standards, including – as Mr. Ryan credibly testified – those of Section 17-0-0101 of the Chicago Zoning Ordinance.

IV. CONCLUSION

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

The ZONING BOARD OF APPEALS hereby approves the Applicant's application for a special use for an adult 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 for an adult use subject to the following conditions:

1. The special use shall be issued solely to the Applicant; and
2. Mr. Joseph Musso and Ms. Meghan Musso shall be and remain the sole shareholders of the Applicant.

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 A. Flores dba Platinum Fades **CAL NO.:** 64-19-S

APPEARANCE FOR: Same as Applicant **MINUTES OF MEETING:**
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3309 N. Clark Street

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

SHAINA DOAR
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 January 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 4, 2019; 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; 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 special use is issued solely to the applicant, Jose A. Flores dba Platinum Fades.

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

RECEIVED

FEB 19 2019

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: Javier Lebron

CAL NO.: 65-19-S

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4454-56 S. Western Avenue

NATURE OF REQUEST: Application for a special use to establish a tavern on the first and second floor of an existing building.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

SHAINA DOAR
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 January 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 4, 2019; 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 tavern on the first and second floor of an existing building; a variation was also granted to the subject property in Cal. No. 66-19-Z; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the special use is issued solely to the applicant, Javier Lebron.

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

APPROVED AS TO SUBSTANCE

[Signature]

Act. CHAIRMAN

RECEIVED

FEB 19 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

APPLICANT: Javier Lebron

CAL NO.: 66-19-Z

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4454-56 S. Western Avenue

NATURE OF REQUEST: Application for a variation to establish a public place of amusement license on the first and second floor of a proposed tavern to provide live entertainment, music, DJ, and cover charge within an existing building which is located within 125' of a residential zoning district.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

SHAINA DOAR
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 January 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 4, 2019; 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 public place of amusement license on the first and second floor of a proposed tavern to provide live entertainment, music, DJ, and cover charge within an existing building which is located within 125' of a residential zoning district; a special use was also granted to the subject property in Cal. No. 65-19-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.

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FEB 19 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

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

APPLICANT: 2230 Seeley, LLC

CAL NO.: 67-19-Z

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2232 N. Avondale Avenue / 2230 N. Seeley Avenue

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 6.68' to zero, rear setback from 16.72' to 2', front rooftop enclosure setback from 20' to 17' for a proposed three-story, four dwelling unit building with four car garage and a nine foot fence.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

SHAINA DOAR
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 January 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 4, 2019; 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 zero, rear setback to 2', front rooftop enclosure setback to 17' for a proposed three-story, four dwelling unit building with four car garage and a nine foot fence; an additional variation was granted to the subject property in Cal. No. 68-19-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

[Signature]

act. CHAIRMAN

RECEIVED

FEB 19 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

APPLICANT: 2230 Seeley, LLC

CAL NO.: 68-19-Z

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2232 N. Avondale Avenue / 2230 N. Seeley Avenue

NATURE OF REQUEST: Application for a variation to relocate the required 278.97 square feet of rear yard open space to the proposed garage roof deck which will serve the proposed three-story, four dwelling unit building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

SHAINA DOAR
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 January 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 4, 2019; 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 relocate the required 278.97 square feet of rear yard open space to the proposed garage roof deck which will serve the proposed three-story, four dwelling unit building; an additional variation was granted to the subject property in Cal. No. 67-19-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.

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CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE

Justin

art **CHAIRMAN**

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

APPLICANT: Jefferson Street Partners, LLC

CAL NO.: 69-19-S

APPEARANCE FOR: Tyler Manic

MINUTES OF MEETING:
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1835-39 S. Canalport Avenue

NATURE OF REQUEST: Application for a special use to establish residential use below the second floor for a proposed four-story, six dwelling unit building with rear detached two and four car garage with roof deck and two open parking spaces.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

	AFFIRMATIVE	NEGATIVE	ABSENT
SHAINA DOAR		X	
SOL FLORES	X		
SAM TOIA	X		
AMANDA WILLIAMS	X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on January 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 4, 2019; 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 four-story, six dwelling unit building with rear detached two and four car garage with roof deck and two open parking spaces; a variation was also granted to the subject property in Cal. No. 70-19-Z; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the special use is issued solely to the applicant, Jefferson Street Partners, LLC. and the development is consistent with the design and layout of the plans and drawings dated December 4, 2018, prepared by Hanna Architects, Inc.

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

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Page 73 of 82

APPROVED AS TO SUBSTANCE

FEB 19 2019

[Signature]
CHAIRMAN

CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

APPLICANT: Jefferson Street Partners, LLC

CAL NO.: 70-19-Z

APPEARANCE FOR: Tyler Manic

MINUTES OF MEETING:
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1835-39 S. Canalport Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 30' to 2' for a proposed four-story, six dwelling unit building with rear detached two and four car garage with roof decks and open bridge from the rear porch to the roof deck.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

SHAINA DOAR
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 January 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 4, 2019; 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' for a proposed four-story, six dwelling unit building with rear detached two and four car garage with roof decks and open bridge from the rear porch to the roof deck; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

[Signature]

CHAIRMAN

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FEB 19 2019

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

APPLICANT: Plan 9, LLC dba Rocket Tattoo

CAL NO.: 71-19-S

APPEARANCE FOR: Tyler Manic

MINUTES OF MEETING:
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1008 W. Argyle Street

NATURE OF REQUEST: Application for a special use to establish a body art service (tattoo).

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

SHAINA DOAR
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 January 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 4, 2019; 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 a body art service (tattoo); 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 special use is issued solely to the applicant, Plan 9, LLC dba Rocket Tattoo.

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

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FEB 19 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

Page 75 of 82

APPROVED AS TO SUBSTANCE

Art. Toia

CHAIRMAN

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

APPLICANT: Alexander Memmen

CAL NO.: 72-19-S

APPEARANCE FOR: Sylvia Michas

MINUTES OF MEETING:
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 713-15 S. Western Avenue

NATURE OF REQUEST: Application for a special use to establish a residential use below the second floor for the conversion of an existing at grade commercial space to a residential dwelling unit. There will be a total of two dwelling units.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

	AFFIRMATIVE	NEGATIVE	ABSENT
SHAINA DOAR	X		
SOL FLORES	X		
SAM TOIA	X		
AMANDA WILLIAMS	X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on January 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 4, 2019; 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 the conversion of an existing at grade commercial space to a residential dwelling unit. There will be a total of two dwelling units; 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 special use is issued solely to the applicant, Alexander Memmen and provided the development is consistent with the design and layout of the plans and drawings dated December 18, 2018, prepared by JH Design..

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

RECEIVED

FEB 19 2019

**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: Dubbs Enterprise, LLC / Jason Williams

CAL NO.: 73-19-Z

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1406-12 N. Washtenaw Street

NATURE OF REQUEST: Application for a variation to subdivide an existing lot which will result in two new zoning lots which shall reduce the front setback from the required 15' to zero, south setback from 3.56' to zero, (north to be 8.98'), rear yard setback from 37.5' to zero for 1408-12 N. Washtenaw, 1406 N. Washtenaw shall reduce the front setback from 15' to 4', north and south setback shall be zero each, rear yard setback from 37.5' to zero to subdivide one zoning lot into two lots. The lot at 1406 shall contain a one and three story four dwelling unit building. 1408-12 shall contain three dwelling units in front and a rear single family coach house.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

SHAINA DOAR
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 January 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 4, 2019; 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 subdivide an existing lot which will result in two new zoning lots which shall reduce the front setback to zero, south setback to zero, (north to be 8.98'), rear yard setback to zero for 1408-12 N. Washtenaw, 1406 N. Washtenaw shall reduce the front setback to 4', north and south setback shall be zero each, rear yard setback to zero to subdivide one zoning lot into two lots. The lot at 1406 shall contain a one and three story four dwelling unit building. 1408-12 shall contain three dwelling units in front and a rear single family coach house; a related variation was granted to the subject property at 1406 N. Washtenaw in Cal. No. 74-19-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

Art Toia

CHAIRMAN

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FEB 19 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

APPLICANT: Dubbs Enterprise, LLC / Jason Williams

CAL NO.: 74-19-Z

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1406-12 N. Washtenaw Street

NATURE OF REQUEST: Application for a variation to reduce the rear yard open space from the required 252.93 square feet to zero for a subdivided zoning lot. The existing one and three story building shall remain and be converted to a four-dwelling unit building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

SHAINA DOAR
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 January 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 4, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear yard open space from the required 252.93 square feet to zero for a subdivided zoning lot. The existing one and three story building shall remain and be converted to a four-dwelling unit building; a related variation was granted to the subject property at 1406-12 N. Washtenaw in Cal. No. 73-19-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.

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FEB 19 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE

Act
CHAIRMAN

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

APPLICANT: Big Blue Swim School, LLC

CAL NO.: 75-19-Z

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4207 N. Western Avenue

NATURE OF REQUEST: Application for a variation to reduce the east setback from the required 6.7' to zero for a proposed 8.25' high solid fence along the east property line on a lot containing an existing one-story building.

ACTION OF BOARD-
Continued to February 15, 2019 at 2:00 p.m.

THE VOTE

SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

RECEIVED

FEB 19 2019

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: Frances M. Vera **CAL NO.:** 76-19-S
APPEARANCE FOR: Same as Applicant **MINUTES OF MEETING:**
January 18, 2019
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1338 W. Irving Park Road

NATURE OF REQUEST: Application for a special use to establish a business live / work unit in an existing three-story, mixed use building.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

SHAINA DOAR
 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 January 18, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-times on January 4, 2019; 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 in an existing three-story, mixed use building; 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 special use is issued solely to the applicant Frances M. Vera, and the development is consistent with the design and layout of the plans and drawings dated December 6, 2018, prepared by Stoneberg and Gross Architects.

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

RECEIVED

FEB 19 2019

CITY OF CHICAGO
 ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE

[Signature]

 art. CHAIRMAN

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

APPLICANT: Jester Properties, LLC

CAL NO.: 331-18-S

APPEARANCE FOR: Barry Ash

MINUTES OF MEETING:
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1709 N. Kedzie Avenue

NATURE OF REQUEST: Application for a special use to establish residential use below the second floor for a proposed four-story, three dwelling unit building with a detached three car garage.

ACTION OF BOARD-
DISMISSED FOR WANT OF PROSECUTION

THE VOTE

SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

RECEIVED

FEB 19 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE

Sam Toia

at **CHAIRMAN**

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

APPLICANT: Chicago Title and Land Trust 8002361424

CAL NO.: 532-18-Z

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:
December 21, 2018

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3721 N. Parkview Terrace

NATURE OF REQUEST: Application for a variation to reduce the east front setback from 15' to zero, north setback from 7.47' to zero, to allow a 7' to 9' high fence with stone piers and a 4' north side setback to allow open access stair to the garage roof deck that serves an existing single family residence.

ACTION OF BOARD-

Continued to January 18, 2019 at 9:00 a.m. Pursuant to *Melrose Park National Bank v. Zoning Board of Appeals of the City of Chicago*, fourth Board member to read transcript and vote at the January Zoning Board of Appeals hearing.

THE VOTE

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
RECUSED		
X	X	
X		
X		
		X

RECEIVED

JAN 22 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE

act.
act. CHAIRMAN

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



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FEB 19 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

Chicago Title and Land Trust 8002361424

APPLICANT

532-18-Z
CALENDAR NUMBER

3721 N. Parkview Terrace

PREMISES AFFECTED

November 16, 2018

HEARING DATE

ACTION OF BOARD

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

THE VOTE (ACCESS STAIR)

	AFFIRMATIVE	NEGATIVE	ABSENT
Blake Sercye (recused)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Shaina Doar	<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"/>

THE VOTE (FENCE)

	AFFIRMATIVE	NEGATIVE	ABSENT
Blake Sercye (recused)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Shaina Doar	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE VARIATION APPLICATION FOR 3721 N.
PARKVIEW TERRACE BY CHICAGO TITLE AND LAND TRUST 8002361424**

I. BACKGROUND

Chicago Title and Land Trust 8002361424 (the "Applicant") submitted a variation application for 3721 N. Parkview Terrace (the "subject property"). The subject property is currently zoned RT-4 and is currently improved with a single-family home with attached garage (the "home"). The Applicant proposed to erect: (1) an open access stair to the garage roofdeck; and (2) a 7' to 9' high fence with stone piers. To permit this, the Applicant sought a variation to reduce the east front setback from 15' to 0' and the north setback from 7.47' to 0'.

II. PUBLIC HEARING

APPROVED AS TO SUBSTANCE

h. Toia
act **CHAIRMAN**

A. The Hearing

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's variation application at its regular meeting held on November 16, 2018, 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 of the Chicago Zoning Ordinance. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure, the Applicant had submitted its proposed Findings of Fact. The Applicant's beneficiary Ms. Theresa Panzica and the Applicant's attorney Ms. Sara Barnes were present. The Applicant's architect Mr. Prashanth Mahakali was also present. Also testifying in support of the application were Mr. Christopher Kainovic and Mr. Anthony Panzica. Testifying in opposition to the application were Ms. Dickie Nichols, Ms. Sharon Shears, Ms. Maureen Milota and 45th ward alderman Alderman John Arena. 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 provided an overview of the subject property and the history of the home. She stated the subject property was irregular in shape, in that it was triangular with frontages on Parkview Terrace and Lawndale Avenue. She stated that the subject property is in close proximity to the Kennedy Expressway, lacks alley access and abuts only one other private lot. She stated that the prior owner of the subject property had begun constructing the home in 2005. She stated that the Applicant had purchased the subject property out of foreclosure in 2013. She stated that at that time, the home was still unfinished. She recounted the permitting history of the subject property from 2001 to the present¹, including but not limited to the 2016 litigation over the driveway permit.²

In response to questions by the ZONING BOARD OF APPEALS, Ms. Barnes stated that the shape of the subject property created hardship with respect to both the access stairs and the fence. She stated that the shape of the subject property as well as its proximity to the intersection of Lawndale and Lakeview Terrace limited what type of fence could be erected. She stated that the Kennedy Expressway was lower than the subject property at this location and that Ms. Panzica feared for her children's safety.

The Applicant presented the testimony of its beneficiary Ms. Theresa Panzica. Ms. Panzica testified that the skeleton of the home on the subject property was erected by the prior owner. She testified that the subject property was a triangular lot, with frontages on

¹ The subject property has been to the ZONING BOARD OF APPEALS twice before for north setback relief. The ZONING BOARD OF APPEALS granted such north setback relief in Board Cal. No. 369-02-Z. However, as the then-owner of the subject property did not obtain permits, the variation lapsed. The then-owner returned to the ZONING BOARD OF APPEALS. At this second hearing, the ZONING BOARD OF APPEALS denied the requested north side setback relief in Board Cal. No. 78-05-Z. Consequently, the home was built without a variation.

² As set forth in more detail in the Applicant's complaint for declaratory judgment, the Applicant was unable to obtain a driveway permit for the subject property. See, "Complaint for Declaratory Judgment," *Chicago Title Ins. Co. v. City of Chicago & Ald. John Arena*, 2016 CH 15452.

both Parkview Terrace and Lawndale Avenue. She testified the subject property had no alley access. She testified that because of this, the subject property only abuts one other private lot, which private lot is immediately to the subject property's north on Lawndale Avenue. She testified that the subject property is located at the head of a dead-end intersection that terminates into the Kennedy Expressway. She testified that she, her husband and her young daughters had resided at the home for the last year-and-a-half. She testified that she did not feel comfortable allowing her daughters to play in the subject property's yard. She testified that part of the reason for this was the proximity to the Kennedy Expressway.

She testified that currently the subject property is surrounded by a light-weight construction fence that does not provide the same safety and privacy features as a permanent fence. She testified that she believes the light-weight construction fence invites illegal and lewd activities to take place at and around the subject property. She testified that she has witnessed groups of individuals consume alcohol and other controlled substances in front of the subject property. She testified that she has witnessed individuals engaging in sexual acts in front of the subject property. She then presented to the ZONING BOARD OF APPEALS several pictures that her outdoor security camera had taken of the area in front of the subject property.

In response to questions by the ZONING BOARD OF APPEALS, Ms. Panzica's husband Mr. Christopher Kainovic testified that he and Ms. Panzica had moved into the home in March 2017. He testified that since that time, he had noticed that certain cars containing the same people were frequently parked in front of the subject property. He testified that these people were depicted in the pictures previously presented to the ZONING BOARD OF APPEALS.

The ZONING BOARD OF APPEALS stated that the City was an urban area. It stated that on quiet streets like Parkview Terrace, people occasionally parked. It then asked if it were illegal to park on streets.

Ms. Barnes stated that the Applicant was not alleging that it was illegal to park in front of the subject property but that illegal, unlawful and lewd behavior was quite different than just parking.

In response to further questions from the ZONING BOARD OF APPEALS, Ms. Panzica testified that she knew she was moving by the Kennedy Expressway. She testified that she had previously lived on a dead-end street by the Kennedy Expressway (near Halsted and Roosevelt). She testified that she did not expect the activity in front of the subject property because she had not had any issues when she previously lived near the Kennedy Expressway.

The ZONING BOARD OF APPEALS asked Ms. Panzica to explain why the Applicant needed a fence that was over the allowable height.

Ms. Panzica testified that she had a police report from an incident that occurred at the subject property before a watchman had been hired. She testified that in the incident, people took garbage cans from the nearby alley and jumped over the construction fence.

The ZONING BOARD OF APPEALS stated that this had nothing to do with proximity to people parking in front of the subject property. It stated that this also had nothing to do with proximity to the Kennedy Expressway. It asked the Applicant to explain the necessity for a higher fence in light of Ms. Panzica's testimony that the higher fence was needed due to proximity to the Kennedy Expressway. The ZONING BOARD OF APPEALS noted that the Applicant could still erect a fence without a variation from the ZONING BOARD OF APPEALS.

Ms. Barnes stated that while the Applicant could erect a 6' high fence, the Applicant did not believe it would be enough since people had previously jumped the fence. She stated that while an opaque fence would provide the Applicant with security, because of the subject property's proximity to the intersection, an opaque fence of any height would obstruct the intersection. She stated that the Applicant did not believe that a 6' iron fence would provide the necessary security, especially for the young children.

The ZONING BOARD OF APPEALS asked why a 6' iron fence would not be secure enough for young children.

Ms. Barnes stated that individuals had previously jumped the construction fence.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Kainovic testified there were not pictures of anyone jumping the construction fence.

In response to further questions from the ZONING BOARD OF APPEALS, Ms. Panzica testified that her outdoor security camera had been installed in the spring of 2017. She testified that back in 2015, when the home was vacant, someone jumped the construction fence and broke all the windows. She testified that after that incident, a watchman moved into the home. She testified that when the watchman was living in the home, people again attempted to break in.

Ms. Panzica testified that the variation would allow the Applicant to erect a 7' to 9' high fence. She reiterated her testimony that because of the subject property's proximity to the Kennedy Expressway and the crime witnessed and documented in front of and at the home, she believed the variation was necessary to provide protection and security to her family. She testified she believed that other nearby property owners shared her belief as there were other fences in the neighborhood that exceeded 6' in height. She then presented to the ZONING BOARD OF APPEALS a series of pictures showing said fences.

Ms. Panzica testified that a 6' high opaque fence could be erected without relief from the ZONING BOARD OF APPEALS. She testified that because of the fact the subject property is situated at the dead-end intersection of Parkview Terrace and Lawndale

Avenue, such opaque fence would be a safety concern as it would obstruct the sightlines of pedestrians and drivers attempting to go through said intersection.

In response to questions from the ZONING BOARD OF APPEALS, Ms. Barnes stated that a 6' high non-opaque wrought iron fence could be erected without relief from the ZONING BOARD OF APPEALS. She stated however that the Applicant's rationale against doing this was that people could jump over said fence.

Ms. Panzica testified that without the proposed 7' to 9' high fence, she would not let her children play in the yard of the subject property.

Ms. Panzica then testified that the variation was also required to erect an access stair to the home's garage roofdeck. She testified that the roofdeck currently existed. She testified the garage roofdeck was permitted as-of-right when the home was first constructed back in 2009. She testified that the irregular shape of the subject property limits where the access stair can be placed. She testified that the access stair's proposed placement was to ensure that the access stair had the least interference and impact on the adjacent properties and the public way. She then presented to the ZONING BOARD OF APPEALS pictures of other properties in the neighborhood that either: (a) had structures that spanned the entirety of the zoning lot; or (b) had accessory structures that were located in in setbacks.

In response to questions from the ZONING BOARD OF APPEALS, Ms. Barnes conceded that the Applicant did not have surveys of the properties in question. She further conceded that while the Applicant's architect had done a zoning analysis of the properties in question and could speak to the setbacks of each property, said architect was not available to testify on account of a family emergency.

The ZONING BOARD OF APPEALS stated it would accept the pictures into the record for what they were: that is, pictures of the neighborhood.

The ZONING BOARD OF APPEALS stated that the issue with security may stem from the fact that the subject property was surrounded by a construction fence which made the subject property look abandoned. It then asked if Ms. Panzica felt that if she had a 6' high permanent fence if that would deter the loiterers.

Ms. Panzica testified that she did not believe it would. She testified that she based her belief on the fact that the subject property is on a dead-end street and there is not anyone in sight for half-a-block to a block in either direction.

The Applicant presented the testimony of Mr. Prashanth Mahakali. Mr. Mahakali testified that he was a licensed architect in the state of Illinois and was familiar with the subject property. He testified that he was not the primary architect of record that had designed the proposed fence and access stair. He testified that he was retained by the Applicant because the primary architect of record was not available to testify. He testified that he had familiarized himself with the design for the proposed fence and

Ms. Sharon Sears, of 3720 N. Lawndale, testified in opposition to the application. She testified that she was the neighbor next north to the subject property. She testified that she was a licensed architect in the state of Illinois. She testified that the proposed variation would create a blind intersection at Parkview Terrace and Lawndale Avenue. She then testified as to her belief that the Applicant did not meet all the criteria necessary for a variation. She testified that as the neighbor next north, she would be most impacted if the Applicant's variation was granted. She then testified as to properties in the neighborhood that she felt were similar to the subject property but that had only 6' high fences.

In response to questions by the ZONING BOARD OF APPEALS, Ms. Sears testified that the Applicant could build a 6' high opaque fence without relief from the ZONING BOARD OF APPEALS. She testified that she believed such an action would be irresponsible.

Ms. Maureen Milota, of 3814 N. Lawndale, testified in opposition to the application. She testified that she was not aware of any fences in 3700-3800 block of North Lawndale Avenue that had 7' high fences. She testified that the only 7' high fence that she is aware of is on Byron. She testified that she was not aware of any incidents of injuries to children in the neighborhood due to vagrants or violent crime. She testified that she had been a resident of the neighborhood for 19 years. She testified that subject property does not currently have a usable yard for children to play in as it is full of rocks and glass.

Alderman John Arena (the "Alderman") testified in opposition to the application. The Alderman testified that the Applicant had presented a false choice to the ZONING BOARD OF APPEALS: "either allow the [variation] or the home will be uninhabitable." He testified that a 6' high wrought-iron fence for the subject property has already been approved by the City's Department of Buildings back in 2017. He testified that such a 6' high wrought-iron fence is therefore available to the Applicant but the Applicant has declined to accept said fence. He testified that the 45th ward is bisected by the Kennedy Expressway and that the building of the Kennedy Expressway created many non-City standard lots. He testified that, nevertheless, very few variations have been sought to build homes on said lots. He testified that he did not believe there was a need for the access stairs to infringe on the north setback. He testified that he believed the stairs could be relocated. He testified that the ZONING BOARD OF APPEALS declined to allow an infringement to the north setback back in 2005³ and requested that the ZONING BOARD OF APPEALS do the same with the requested variation.

In response to the Alderman's testimony, Ms. Barnes explained that the request to reduce the north setback in 2005 was not denied due to the access stairs. She explained that in 2005, a variation was not needed to erect the access stairs. She stated that the 2005 request to reduce the north setback was for the actual wall of the home. She stated that the original plans for the home called for the driveway to be located in the turnaround shown on the site plans. She explained that this was originally a circular driveway and would have required two curbcuts. She stated if this original plan had been

³ Board Cal. No. 78-05-Z.

access stair. He testified that he was familiar with the standards of the Chicago Zoning Ordinance, including the criteria necessary for a variation. He testified that portions of the Applicant's proposed fence will be similar in height to other fences in the neighborhood. He testified that he believed the proposed fence would provide greater security than a 6' fence. He then testified as to his belief that the Applicant's requested variation met all necessary criteria under the Chicago Zoning Ordinance.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Mahakali testified as to the physical appearance and materials of the proposed fence as set forth in the Applicant's proposed plans; namely, the fact that the fence would consist of masonry stone piers interspersed with wrought iron. He testified that the wrought iron would be set into a 2' high stone base and the wrought iron itself would be 5' in height. He testified that therefore the wrought iron portion of the fence would be 7' in height. He testified that the stone piers would be set 15' apart from each other.

The Applicant presented the testimony of Ms. Panzica's father Mr. Anthony Panzica. Mr. Panzica testified that he frequently checked on the home during its construction. He testified that he learned from a neighbor that someone had attempted to break into the home. He testified that he went to the police station and filed a report. He testified that after that, he had two of his employees live in the home. He testified that even after his employees were living in the home, people still jumped over the fence and attempted to break in. He testified on one occasion, his employee scared a man who was attempting to break-in as the man did not expect anyone to be in the home.

Ms. Barnes stated that as the subject property is located on a dead-end, there are not immediate neighbors. She stated that therefore there are not a lot of "eyes on the street" which might deter such break-ins.

Ms. Dickie Nichols, of 3751 N. Lawndale, testified in opposition to the application. She testified that she believed the proposed fence would cause safety hazards for both drivers and pedestrians, especially children. She testified that she believed that the construction fence already creates a dangerous blind corner at the intersection of Parkview Terrace and Lawndale Avenue. She testified that she believed the proposed fence – with its 9' high solid masonry piers with no setback – would make the intersection even more dangerous. She testified that most in the neighborhood avoided the intersection at night because of the blind spot. She testified that she did not believe the proposed fence was necessary and that it would change the essential character of the neighborhood.

In response to questions from the ZONING BOARD OF APPEALS, Ms. Nichols testified that the other neighborhood fences that exceeded 6' in height had been in existence for over 25 years. She testified that her specific objection was to the solid masonry pier that would be going in at the corner of Parkview Terrace and Lawndale Avenue.

followed, the access stairs to the garage roofdeck could have been located on the west side of the subject property (where the driveway is currently located). She stated that due to the issues in obtaining a driveway permit, including the 2016 litigation, the Applicant sought only one driveway permit. She stated that this led to moving the driveway which in turn resulted into moving the proposed access stair to its current location.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Mahakali testified that the access stair could not be relocated to the south side of the garage. He testified that if it were relocated to the south side of the garage, it would be too close to the front of the subject property. He testified that there might not be space for adequate landing and treads due to this proximity. He testified that such an access stair would also be very close to the front entrance that someone could easily obtain access to the roof top deck. He testified that having the access stairs on the north side of the garage limits this ability. He testified that the stone pillars did not have to be 9' high but that the Applicant wished to keep the design of the fence as close to the original design as possible. He testified that the subject property has 131' of lot frontage which far exceeds the typical City lot frontage of 25'. He testified that because of such frontage, the pillars provide a sense of security for the residents of the home.

Ms. Barnes then made her closing argument to the ZONING BOARD OF APPEALS.

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.*

Access Stair

In 2013, the Applicant purchased the subject property out of foreclosure. At that time, the exterior of the home was complete and the garage roofdeck had been constructed as-of-right. Also at that time, the plans for the home called for a circular driveway at the front of the subject property. Such circular driveway would require two curbcuts. Due to the difficulties receiving a driveway permit, including the 2016 litigation, Ms. Panzica and Mr. Kainovic decided to move forward with a one curbcut driveway as shown on the plans submitted to the ZONING BOARD OF APPEALS. This one curbcut driveway makes locating the access stair to the garage roofdeck to the west of the garage impossible. Further, locating the access stair to the south of the garage roofdeck would place the access stair too close to the front of the subject property, making it less safe and perhaps without adequate space for landing and treads. Consequently, the only place to locate the access stair to the garage roofdeck is to the north of the garage. As locating the access stair to the garage roofdeck at the north of the garage results in the access stair infringing on the north setback, strict compliance with the regulations and standards of the Chicago Zoning Ordinance creates practical difficulties or particular hardships for the subject property.

Fence

As the ZONING BOARD OF APPEALS is evenly divided "for" and "against" the Applicant's application with respect to the fence, there can be no findings of

fact with respect to the fence. Instead, the only decision the ZONING BOARD OF APPEALS can make is that the Applicant's application with respect to the fence is denied for failure to receive three affirmative votes. *Sokolis v. Zoning Board of Appeals of the City of Springfield*, 21 Ill.App.2d 427 (3d Dist. 1959) (abstract of opinion), No. 10220, p. 10 (Apr. 7, 1959).

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

Access Stair

The requested variation will allow Ms. Panzica and her family to utilize the garage roofdeck of their home. Such a variation therefore maintains orderly and compatible land use and development patterns (Section 17-1-0508 of the Chicago Zoning Ordinance), ensures adequate light, air, privacy and access to property (Section 17-1-509 of the Chicago Zoning Ordinance) and maintains a range of housing choices and options (Section 17-1-0512 of the Chicago Zoning Ordinance)

Fence

As the ZONING BOARD OF APPEALS is evenly divided "for" and "against" the Applicant's application with respect to the fence, there can be no findings of fact with respect to the fence. Instead, the only decision the ZONING BOARD OF APPEALS can make is that the Applicant's application with respect to the fence is denied for failure to receive three affirmative votes. *Sokolis v. Zoning Board of Appeals of the City of Springfield*, 21 Ill.App.2d 427 (3d Dist. 1959) (abstract of opinion), No. 10220, p. 10 (Apr. 7, 1959).

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

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

Access Stair

Since the Applicant will continue to own and the Applicant's beneficiary will continue to reside at the home on the subject property, the ZONING BOARD OF APPEALS finds that reasonable return in this instance is in terms of the subject

property's livability. Currently, the home has a legal garage roofdeck that Ms. Panzica and her family nevertheless cannot access. Therefore, without the requested variation Ms. Panzica and her family will continue to be denied access to the garage roofdeck and thus the subject property is unable to realize a reasonable rate of return.

Fence

As the ZONING BOARD OF APPEALS is evenly divided "for" and "against" the Applicant's application with respect to the fence, there can be no findings of fact with respect to the fence. Instead, the only decision the ZONING BOARD OF APPEALS can make is that the Applicant's application with respect to the fence is denied for failure to receive three affirmative votes. *Sokolis v. Zoning Board of Appeals of the City of Springfield*, 21 Ill.App.2d 427 (3d Dist. 1959) (abstract of opinion), No. 10220, p. 10 (Apr. 7, 1959).

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

Access Stair

The inability to provide for an access stair to the garage roofdeck without the requested variation is due to the unique circumstances of: (1) the irregularly shaped lot; and (2) the issues in obtaining a driveway permit for the subject property (which in turn impacted where the driveway was ultimately located). Neither the irregularly shaped lot nor the issues in obtaining a driveway permit (which in turn impacted where the driveway was ultimately located) are circumstances generally applicable to other residential property.

Fence

As the ZONING BOARD OF APPEALS is evenly divided "for" and "against" the Applicant's application with respect to the fence, there can be no findings of fact with respect to the fence. Instead, the only decision the ZONING BOARD OF APPEALS can make is that the Applicant's application with respect to the fence is denied for failure to receive three affirmative votes. *Sokolis v. Zoning Board of Appeals of the City of Springfield*, 21 Ill.App.2d 427 (3d Dist. 1959) (abstract of opinion), No. 10220, p. 10 (Apr. 7, 1959).

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

The variation, if granted, will allow Ms. Panzica to erect an access stair to the already existing garage roofdeck. As shown on the plans submitted to the ZONING BOARD OF APPEALS, such an access stair is modest and runs alongside the north building wall of the garage. It is set 4' from the north property line and therefore will not impact the neighbor next north. Moreover, it will not be visible from Parkview Terrace and is set far back from N. Lawndale Avenue. It therefore will not alter the essential character of the neighborhood.

Fence

As the ZONING BOARD OF APPEALS is evenly divided “for” and “against” the Applicant’s application with respect to the fence, there can be no findings of fact with respect to the fence. Instead, the only decision the ZONING BOARD OF APPEALS can make is that the Applicant’s application with respect to the fence is denied for failure to receive three affirmative votes. *Sokolis v. Zoning Board of Appeals of the City of Springfield*, 21 Ill.App.2d 427 (3d Dist. 1959) (abstract of opinion), No. 10220, p. 10 (Apr. 7, 1959).

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

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

Access Stair

The topographical condition of the location of the existing driveway – along with the irregular shape of the lot – results in particular hardship upon the Applicant as the Applicant is severely limited as to where it may locate an access stair to the existing garage roofdeck. This particular hardship is distinguished from mere inconvenience, if the strict letter of the regulations were carried out.

Fence

As the ZONING BOARD OF APPEALS is evenly divided “for” and “against” the Applicant’s application with respect to the fence, there can be no findings of fact with respect to the fence. Instead, the only decision the ZONING BOARD OF APPEALS can make is that the Applicant’s application with respect to the fence is denied for failure to receive three affirmative votes. *Sokolis v. Zoning Board of Appeals of the City of Springfield*, 21 Ill.App.2d 427 (3d Dist. 1959) (abstract of opinion), No. 10220, p. 10 (Apr. 7, 1959).

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

Access Stair

The subject property's irregular shape as well as the issues in obtaining a driveway permit for the subject property (which in turn impacted where the driveway was ultimately located) are conditions that are not applicable, generally, to other property within the RT-4 zoning district.

Fence

As the ZONING BOARD OF APPEALS is evenly divided "for" and "against" the Applicant's application with respect to the fence, there can be no findings of fact with respect to the fence. Instead, the only decision the ZONING BOARD OF APPEALS can make is that the Applicant's application with respect to the fence is denied for failure to receive three affirmative votes. *Sokolis v. Zoning Board of Appeals of the City of Springfield*, 21 Ill.App.2d 427 (3d Dist. 1959) (abstract of opinion), No. 10220, p. 10 (Apr. 7, 1959).

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

Access Stair

As the Applicant will continue to own and Ms. Panzica and her family will continue to reside in the home at the subject property, the purpose of the variation is not based exclusively upon a desire to make more money out of the subject property.

Fence

As the ZONING BOARD OF APPEALS is evenly divided "for" and "against" the Applicant's application with respect to the fence, there can be no findings of fact with respect to the fence. Instead, the only decision the ZONING BOARD OF APPEALS can make is that the Applicant's application with respect to the fence is denied for failure to receive three affirmative votes. *Sokolis v. Zoning Board of Appeals of the City of Springfield*, 21 Ill.App.2d 427 (3d Dist. 1959) (abstract of opinion), No. 10220, p. 10 (Apr. 7, 1959).

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

Access Stair

The Kennedy Expressway created the irregularly shaped lot. The garage roofdeck was legally erected by the prior owner of the subject property who then lost the subject property in foreclosure. The location of the current driveway was driven by the issues in obtaining a driveway permit for the subject property. None of these practical difficulties or particular hardships was created by any person presently having an interest in the subject property.

Fence

As the ZONING BOARD OF APPEALS is evenly divided “for” and “against” the Applicant’s application with respect to the fence, there can be no findings of fact with respect to the fence. Instead, the only decision the ZONING BOARD OF APPEALS can make is that the Applicant’s application with respect to the fence is denied for failure to receive three affirmative votes. *Sokolis v. Zoning Board of Appeals of the City of Springfield*, 21 Ill.App.2d 427 (3d Dist. 1959) (abstract of opinion), No. 10220, p. 10 (Apr. 7, 1959).

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.*

Access Stair

The granting of the variation will allow Ms. Panzica and Mr. Kainovic to finish construction on the home. This will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood. On the contrary, as the home has been under construction since 2005, finishing such construction will be beneficial to the neighborhood. Further, and as noted above, the access stair is modest and runs alongside the north building wall of the garage. It is set 4’ from the north property line and therefore will not impact the neighbor next north. Moreover, it will not be visible from Parkview Terrace and is set far back from N. Lawndale Avenue.

Fence

As the ZONING BOARD OF APPEALS is evenly divided “for” and “against” the Applicant’s application with respect to the fence, there can be no findings of fact with respect to the fence. Instead, the only decision the ZONING BOARD OF APPEALS can make is that the Applicant’s application with respect to the fence is denied for failure to receive three affirmative votes. *Sokolis v. Zoning Board of Appeals of the City of Springfield*, 21 Ill.App.2d 427 (3d Dist. 1959) (abstract of opinion), No. 10220, p. 10 (Apr. 7, 1959).

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.*

Access Stair

The requested variation will allow for the access stair. As noted above, the access stair is modest and runs alongside the north building wall of the garage. It is set 4' from the north property line and therefore will not impair an adequate supply of light and air to adjacent property. The access stair will not increase congestion in the public streets and will not— as it is set back 4' from the north property line — increase the danger of fire. As it is wholly contained with the subject property, it will not endanger the public safety. It will also not substantially diminish or impair property values within the neighborhood; instead, it will allow construction on the home to be completed.

Fence

As the ZONING BOARD OF APPEALS is evenly divided “for” and “against” the Applicant’s application with respect to the fence, there can be no findings of fact with respect to the fence. Instead, the only decision the ZONING BOARD OF APPEALS can make is that the Applicant’s application with respect to the fence is denied for failure to receive three affirmative votes. *Sokolis v. Zoning Board of Appeals of the City of Springfield*, 21 Ill.App.2d 427 (3d Dist. 1959) (abstract of opinion), No. 10220, p. 10 (Apr. 7, 1959).

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 solely for the access stair 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 solely for the access stair, 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 variation is approved solely so that the Applicant can construct the access stair to the home’s existing rooftop deck.

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



MAR 18 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

1913 Northco, LLC
APPLICANT

534-18-S & 535-18-Z
CALENDAR NUMBERS

1913-17 W. North Avenue
PREMISES AFFECTED

January 18, 2019
HEARING DATE

ACTION OF BOARD

THE VOTE

The application for the special use is approved subject to the conditions specified below.
The application for the variation is approved.

Shaina Doar
Sol Flores
Sam Toia
Amanda Williams

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

**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE SPECIAL USE AND VARIATION APPLICATIONS
FOR 1913-17 W. NORTH AVENUE BY 1913 NORTHCO, LLC**

I. BACKGROUND

1913 Northco, LLC (the "Applicant") submitted a special use application and a variation application for 1913-17 W. North Avenue (the "subject property"). The subject property is currently zoned C1-2 and is improved with a one-story, single-occupant restaurant building (the "restaurant"). The Applicant proposed to erect a rooftop patio to serve the restaurant. To permit the proposed rooftop patio, the Applicant sought: (1) a special use; and (2) a variation to establish a transit-service location to allow a reduction of the on-site required parking for the proposed rooftop patio by 100%. In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City's Department of Planning and Development (the "Zoning Administrator") recommended approval of the rooftop patio provided that: (1) the special use was issued solely to the Applicant; and (2) the development was consistent with the design and layout of the plans and drawings dated February 6, 2018, prepared by Thomas Montgomery, Architect.

II. PUBLIC HEARING

A. The Hearing

APPROVED AS TO SUBSTANCE

[Signature]
CHAIRMAN

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's special use and variation applications at its regular meeting held on January 18, 2019, 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 as provided under 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. One of the Applicant's managers and member Mr. Clay Hamilton and its attorney Mr. Thomas Raines were present. Also present on behalf of the Applicant was its MAI certified real estate appraiser Mr. Toby J. Sorensen. The attorney for the Triangle Park Townhome Homeowner's Association ("Association") Ms. Mara Georges was present. In accordance with the request of the Chairman, the Association had submitted its proposed Statement of Opposition. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

The Applicant's attorney Mr. Thomas Raines explained to the ZONING BOARD OF APPEALS that the Applicant and the Association had met several times with respect to the Applicant's applications and the two parties had entered into an agreement (the "Agreement"). He stated that he would like to incorporate portions of the Agreement into the record.

The Association's attorney Ms. Mara Georges agreed with Mr. Raines' explanation. She stated that the Association had entered into the Agreement with the Applicant and as a result, the Association was formerly withdrawing its objection to the applications.

Mr. Raines then read part of the Agreement into the record. He stated that, in addition to the Agreement, the Applicant and the Association had also reached a separate agreement with Alderman Hopkins, and the Applicant had agreed to not seek valet parking at the subject property.

Ms. Georges then requested that should the ZONING BOARD OF APPEALS approve the Applicant's applications, that those terms of the Agreement the ZONING BOARD OF APPEALS felt were appropriate be incorporated into its resolution.

The ZONING BOARD OF APPEALS stated it did not have a copy of the Agreement.

Ms. Georges submitted and the ZONING BOARD OF APPEALS accepted into the record a copy of the Agreement.

Mr. Raines stated the Applicant had no objection to Ms. Georges' request.

The Applicant presented the testimony of its member and manager Mr. Clay Hamilton. Mr. Hamilton testified that if he were to continue to testify, his testimony would be consistent with his affidavits submitted with the Applicant's proposed Findings of Fact.

The Applicant presented the testimony of its MAI general certified real estate appraiser Mr. Toby Sorensen. Mr. Sorensen testified that he had prepared a report relative to the Applicant's special use, which report was submitted with the Applicant's proposed Findings of Fact. He testified that he prepared an affidavit relating to both such report and the special use and, if he were to continue to testify, such testimony would be consistent with both the report and the affidavit.

B. Criteria for a Special Use

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

C. 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.*

The subject property is located in a C1-2 zoning district. While a C1-2 zoning district is intended to accommodate a wide range of small-scale business, service and commercial uses, a rooftop patio is a special use in a C district, requiring that the ZONING BOARD OF APPEALS grant a special use. Since the ZONING BOARD OF APPEALS has decided to grant a special use to the Applicant, the Applicant's proposed special use 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.*

As noted in Mr. Sorensen's report, the proposed use will renovate an existing commercial building to include seasonal amenities. It will also increase commercial synergy and cumulative attraction along North Avenue and in the area of the North Avenue/Damen Avenue/Milwaukee Avenue intersection. Therefore, the proposed special use is in the interest of the public convenience. Due to the conditions imposed by the ZONING BOARD OF APPEALS, the proposed special use will not have a significant adverse impact on the general welfare of the neighborhood or community.

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 subject property is improved with a one-story, single-occupant restaurant building. The proposed special use will allow the Applicant to add a rooftop patio to its current restaurant. Mr. Hamilton averred that there are six (6) other patios

within two blocks of the subject property. As this section of North Avenue is mixed-use there are many commercial uses, including restaurant uses in the vicinity. Due to the conditions imposed by the ZONING BOARD OF APPEALS, the proposed special use will not disturb the nearby residential use. Based on the above, the proposed special use is compatible with the character of the surrounding area in terms of site planning and building scale and project design.

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.*

Due to the conditions imposed by the ZONING BOARD OF APPEALS, the proposed special use is compatible with the character of the surrounding neighborhood in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation.

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

The proposed special use will allow the Applicant to construct a rooftop patio to its building. It therefore will not include altering any sidewalks or curbcuts. Further, as averred to by Mr. Hamilton, there is often high demand for seating at the restaurant during warmer months. The proposed special use will allow for more seating during this time and thus alleviate congestion on the sidewalk in front of the restaurant. Therefore, the proposed special use is designed to promote pedestrian safety and comfort.

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.*

As shown by the Applicant's plat of survey and proposed site plan, the restaurant building occupies the rear half of the subject property. It is built side lot line to lot line as well as on the rear lot line. Thus, there is no ability to provide for on-site parking at the rear of the subject property. North Avenue is a designated Pedestrian Street at this location¹, making a front-curb cut impossible. Thus, there is no ability to provide for on-site parking at the front of the subject property. Therefore, strict compliance with the regulations and standards of the Chicago Zoning Ordinance – in particular, its on-site parking requirements – would create practical difficulties or particular hardships for the subject property.

¹ Section 17-3-503-E of the Chicago Zoning Ordinance.

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

Pursuant to Section 17-1-0504 of the Chicago Zoning Ordinance, the requested variation maintains economically vibrant as well as attractive business and commercial areas. Pursuant to Section 17-1-0507 of the Chicago Zoning Ordinance, the requested variation promotes pedestrian, bicycle and transit use. Pursuant to Section 17-1-0508 of the Chicago Zoning Ordinance, the requested variation maintains orderly and compatible land use and development patterns.

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.*

As averred to by Mr. Hamilton, the restaurant cannot attract sufficient business without the rooftop patio. However, because adding the rooftop patio will increase the restaurant's gross floor area above the threshold of 0 parking onsite parking spaces, the Applicant is required to add 2.5 parking spaces for each additional 1000 square feet.² As noted above, the subject property's improvements (i.e., the placement of the restaurant on the rear half of the subject property) and location (i.e., the fact the subject property fronts on a Pedestrian Street) make providing on-site parking impossible. Without the requested variation, the Applicant cannot construct its rooftop patio and therefore the subject property cannot yield a reasonable rate of return.

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

The subject property's improvements and location are unique circumstances and are not generally applicable to other commercial property.

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

Currently, there is no parking on the subject property. Further, and as averred to by Mr. Hamilton, the commercial streets of the neighborhood have large amounts of foot traffic due to the proximity of CTA rail stations and major bus route stops. Thus, the variation, if granted, will not alter the essential character of the neighborhood.

² Section 17-10-0207-M 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-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 particular topographical condition of the subject property – that is, the location of the restaurant on the rear half of the subject property – and the particular physical surroundings of the subject property – that is, the fact the subject property fronts a Pedestrian Street – results in particular hardship upon the Applicant because the Applicant cannot (short of demolishing the existing restaurant) add the proposed rooftop patio.

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

The location of the restaurant on the subject property and the fact the subject property fronts a Pedestrian Street are conditions that would not be applicable, generally, to other property within the C1-2 zoning district.

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

The purpose of the proposed variation is to allow the Applicant to construct the proposed rooftop patio. The proposed rooftop patio is so that the Applicant attracts sufficient business by providing seasonal amenities to customers. It is therefore not 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 any person presently having an interest in the property.*

As Mr. Hamilton averred, the location of the restaurant on the subject property was not created by any person presently having an interest in the subject property. The Pedestrian Street designation of this section of North Avenue also has not been created by any person presently having an interest in the subject property.

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

The subject property currently does not have on-site parking. Further, and as averred to by Mr. Hamilton, the commercial streets of the neighborhood have large amounts of foot traffic due to the proximity of CTA rail stations and major bus route stops. Therefore, the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

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.*

Since the variation will allow the subject property to remain unchanged save for the construction of the rooftop patio, the variation will not impair an adequate supply of light and air to adjacent property. It will not increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood. Due to the proximity of CTA rail stations and major bus routes, the variation also will not increase congestion in the public streets.

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: (1) the specific criteria for a special use pursuant to Section 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 conditions:

1. The special use shall be issued solely to the Applicant;
2. Development shall be consistent with the design and layout of the plans and drawings dated February 6, 2018, prepared by Thomas Montgomery, Architect (the "Plans"), subject to the alterations to the Plans as set forth below;
3. The Applicant shall follow industry best practices to mitigate sound pollution in close proximity to residential space;
4. The Applicant shall not permit smoking on the rooftop patio at any time or in the alleys adjacent to the subject property under its control; and
5. The Applicant's rooftop patio shall have a seating and occupancy capacity limited to 190 individuals;

6. The Applicant shall not install or operate speakers or allow outdoor music on the rooftop patio or any other exterior areas of the subject property;
7. The Applicant shall construct and maintain a soundproof, noise screening barrier on the rooftop south of the rooftop patio and facing the Association's property;
8. The Applicant shall install sound buffering/acoustical materials on the screening wall adjacent to the rooftop space of no less than 8" thickness in a fashion to be determined by agreement of the Applicant and the Association;
9. Outdoor television screen for the rooftop patio shall only be permitted if they lack speakers or other audio features; if television screens are manufactured with audio capability, they must be modified to remove such capability prior to outdoor installation; any television screens must also be positioned in a manner to allow the screening wall to conceal the television screens from the line of sight to Association's property;
10. The Applicant shall not install or operate lighting behind (i.e., on the south side of) the southern screening wall adjacent to the rooftop space;
11. Subject to the approval of the Association, not to be unreasonably withheld, the Applicant shall install or erect a mural (mountain-scape or similar) on the back wall of the rooftop space;
12. The Applicant shall landscape and maintain the area immediately behind the rooftop wall at the Property, which maintenance shall include but not be limited to weekly inspection and cleaning, as necessary;
13. Subject to the approval of the Association, not to be unreasonably withheld, the Applicant shall ensure that the lighting for the rooftop space is front-facing, so as to mitigate light pollution or other disturbance to adjacent neighbors of the subject property;
14. The proposed location of the lavatories on the rooftop space shall be moved 10' forward from their current location on the Plans;
15. The Applicant's rooftop patio shall close at 10:00 PM on Sundays through Thursdays, and the Applicant shall not seat any customers on the rooftop space less than one hour prior to its normal 10:00 PM closing time on Sundays through Thursdays;
16. The Applicant's rooftop patio shall close at 11:00 PM on Fridays and Saturdays, and the Applicant shall not seat any customers on the rooftop space less than one hour prior to its normal 11:00 PM closing time on Fridays and Saturdays;

17. The Applicant shall ensure that all garbage receptacles abutting the subject property and in the adjacent alley shall be maintained in a neat and orderly fashion;
18. The Applicant shall limit the rooftop season and use to March 10th through October 31st;
19. The Applicant shall not, by reason of expanded capacity or otherwise, utilize more than 3 exterior garbage receptacles, 1 laundry unit or 1 grease trap, unless it serves as a trash compactor as well;
20. The Applicant shall maintain noise levels at or below such levels required by the Chicago Noise Ordinance, Section 8-320-010 *et seq.* of the Municipal Code of Chicago³, and shall otherwise comply with applicable ordinances and laws;
21. The Applicant shall instruct its delivery providers and other service providers to avoid blocking the alleys adjacent to the subject property, so as to avoid disruption to the flows of traffic around the subject property; and
22. The Applicant shall, for the 6 month period following the first day of outdoor operation of the rooftop patio, have its management attend the regularly scheduled meetings of the Association's board to discuss and attempt to resolve any issues related to the Agreement and any other nuisance complaints associated with any aspect of the Applicant's business operations.

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

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

³ Formerly known as the Chicago Environmental Noise Ordinance and formerly Section 11-4-2700 *et seq.* of the Municipal Code of Chicago.

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

APPLICANT: Maquella Management, LLC

CAL NO.: 537-18-S

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 5252 S. Archer Avenue

NATURE OF REQUEST: Application for a special use to establish a six pump gas station with an accessory one-story retail sales and restaurant with drive-through use building and a two-story car wash use building.


ACTION OF BOARD-
Continued to March 15, 2019 at 2:00 p.m.

THE VOTE

SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE



S. Toia CHAIRMAN

RECEIVED

FEB 19 2019

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

APPLICANT: Maquella Management, LLC

CAL NO.: 538-18-S

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:
January 18, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 5252 S. Archer Avenue

NATURE OF REQUEST: Application for a special use to establish a drive through facility for a proposed accessory restaurant on a lot containing a gas station, a retail sales building and a car wash building.

ACTION OF BOARD-
Continued to March 15, 2019 at 2:00 p.m.

THE VOTE

SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

RECEIVED

FEB 19 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE

[Signature]
CHAIRMAN