

ZBA
RESOLUTIONS
NOVEMBER 16, 2018

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

MINUTES OF MEETING

Date: November 16, 2018

Cal. No. 587-17-S

Katriina S. McGuire, Attorney for the Applicant, presented a written request for an extension of time in which to permit the establishment to reduce the minimum off-street parking requirement by less than 100% from forty-eight spaces to five for a proposed transit served ten story building with ground floor retail and sixty-nine dwelling units above at the subject property located at 315 S. Jefferson Street. The special use was approved on November 17, 2017 in Cal. No. 587-17-S.

Ms. McGuire stated that her client had been unable to finalize construction financing due to increased construction costs. Her client will need no more than one year to complete its planning for the building's unit mix and to secure financing for its construction.

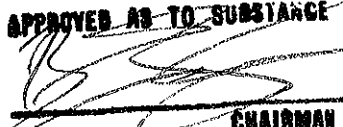
Blake Sercye moved the request be granted and the time for obtaining the necessary permit be extended to November 17, 2019.

Yeas - Sercye, Doar, Toia, Williams. Nays - None. Absent - Flores.

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**CITY OF CHICAGO
ZONING BOARD OF APPEALS**

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Carrie Ella's Salon, LLC

CAL NO.: 574-18-S

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
November 16, 2018

APPEARANCE AGAINST: None

PREMISES AFFECTED: 11127 S. Halsted Street

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

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CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 16, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 2, 2018; 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, Carrie Ella's Salon, LLC.

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Amate House Foundation **CAL NO.:** 575-18-S
APPEARANCE FOR: Kate Duncan **MINUTES OF MEETING:**
November 16, 2018
APPEARANCE AGAINST: None
PREMISES AFFECTED: 3600 S. Seeley Avenue

NATURE OF REQUEST: Application for a special use to establish a "Group Living Not Otherwise Classified" facility.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

RECEIVED

DEC 24 2018
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

BLAKE SERCYE
 SHAINA DOAR
 SOL FLORES
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
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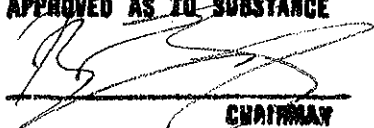
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 16, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 2, 2018; 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 "Group Living Not Otherwise Classified" facility; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject 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, Amate House Foundation.

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Amate House Foundation

CAL NO.: 576-18-S

APPEARANCE FOR: Kate Duncan

MINUTES OF MEETING:
November 16, 2018

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2309 S. Ridgeway Avenue

NATURE OF REQUEST: Application for a special use to establish a "Group Living Not Otherwise Classified" facility.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

RECEIVED

DEC 24 2018

CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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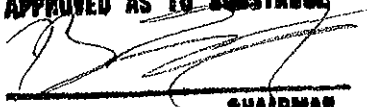
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 16, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 2, 2018; 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 "Group Living Not Otherwise Classified" facility; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject 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, Amate House Foundation.

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



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FEB 19 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

2827-39 Touhy, LLC Ephraim & Rochelle Tatelbaum
APPLICANT

577-18-S
CALENDAR NUMBER

2827-39 W. Touhy Avenue
PREMISES AFFECTED

November 16, 2018
HEARING DATE

ACTION OF BOARD

THE VOTE

The Board denied the application.

Blake Sercye
Shaina Doar
Sol Flores
Sam Toia (recused)
Amanda Williams

AFFIRMATIVE	NEGATIVE	ABSENT
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<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE SPECIAL USE APPLICATION FOR 2827-39 W.
TOUHY AVENUE BY 2827-39 TOUHY, LLC EPHRAIM & ROCHELLE
TATELBAUM**

I. BACKGROUND

2827-39 Touhy, LLC Ephraim & Rochelle Tatelbaum (the "Applicant") submitted a special use application for 2827-39 W. Touhy Avenue (the "subject property"). The subject property is currently zoned B1-1 and is improved with a one-story building (the "Building") and surface parking lot. The Applicant proposed to use the Building for its restaurant. As part of its plan of operations for the restaurant, the Applicant proposed a single-lane drive through facility. To permit this single-lane drive through facility, the Applicant sought a special use. In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City's Department of Planning and Development ("Department") recommended approval for the special use to serve the existing The Main Pizza Restaurant provided that the development was consistent with the design and layout of the site plans dated July 10, 2018, prepared by YMK Architect and Design Studio.

II. PUBLIC HEARING

A. The Hearing

APPROVED AS TO SUBSTANCE

[Signature]
act. CHAIRMAN

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's applications 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*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure, the Applicant had submitted its proposed Findings of Fact. The manager of the Applicant Mr. Ephraim Tatelbaum was present. The Applicant's certified general real estate appraiser Mr. Kevin Byrnes was also present. Testifying in opposition to the applications were Ms. Andrea Hamblin and Ms. Karen Elkin. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

The ZONING BOARD OF APPEALS asked if the parties had attempted to discuss their differences. They answered in the affirmative and advised that further discussion would not lead to a productive resolution.

The Applicant presented the testimony of its manager Mr. Ephraim Tatelbaum. Mr. Tatelbaum testified that the Applicant currently operated a restaurant down the block from the subject property. He testified that the subject property had become available approximately three (3) years ago, and the Applicant had purchased the subject property at that time. He testified that the Applicant had originated in Skokie, Illinois, but had been in the area for over twenty (20) years. He testified that the majority of the Applicant's customers would prefer to pick-up their food and that is why the Applicant had applied for the special use. He testified that the Applicant had a "clean slate" and had never had any problems.

The Applicant presented the testimony of its certified general real estate appraiser Mr. Kevin Byrnes. The ZONING BOARD OF APPEALS recognized Mr. Byrnes as an expert in real estate appraisal. Mr. Byrnes testified that he had inspected the subject property and its surrounding environment and that it was his opinion that the proposed special use met all applicable standards of the Chicago Zoning Ordinance. He testified that he believed as the Applicant was merely relocating its restaurant to the subject property, the proposed special use was in the interest of the public convenience. He testified that as there were other drive-through facilities in the area, the proposed special use would not have a significant adverse impact on the general welfare of the neighborhood or community. He testified that as the restaurant proposed to utilize the Building with no expansions, the proposed special use was compatible with the character of the surrounding area in terms of site planning and building scale and project design. He testified that the Applicant's proposed hours of operation were within the range of hours of operation of other businesses within the area. He testified that the proposed special use itself would not involve any special outdoor lighting, other than general lighting for the surface parking lot. He testified that the Applicant had told him there would not be a call box so noise generation would not be a factor.

Mr. Tatelbaum testified that the Applicant would have a call box. He testified that said call box would only be in use between the hours of 8:00 AM through 11:00 AM.

Mr. Byrnes then continued his testimony. He testified that because the Applicant was relocating its business, the proposed special use should not cause any significant increase in traffic generation. He testified he had not seen any traffic studies or any other basis that would show increased traffic at the subject property.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Byrnes confirmed that he was a real estate appraiser and did not do traffic studies. He then testified that based on what he had outlined earlier, the proposed special use was compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation. In particular, he testified that the subject property was located in a typical B1-1 arterial commercial corridor, which corridor could customarily encompass a wide range of uses that respond to community demand and operate in harmony. He testified that as the site plan has no obstructive landscaping and as the curbcuts for the proposed special use would be clearly visible to pedestrians approaching from either direction, the proposed special use's design would protect pedestrian safety and comfort.

Ms. Andrea Hamlin, of 2538 W Fitch Avenue, testified in opposition to the application. She testified that she did not object to the Applicant's proposed restaurant but that she did object to the proposed special use. Ms. Hamlin then asked Mr. Tatelbaum if the Applicant had a special use for a drive-through facility at its current location in the 2900 block of West Touhy.

Mr. Tatelbaum testified that the Applicant did not have a special use for a drive-through facility at its current location in the 2900 block of West Touhy. He testified that the Applicant did not have a drive-through facility at its current location.

Ms. Hamlin testified that she raised this point because she believed it was the Applicant's intent to sell the current location in the 2900 block of West Touhy. She testified that she was concerned because there would then be two very busy drive-through facilities on the same side of the street within a block. She testified that although she did not have a traffic study, her personal experience was that the traffic backed up at the Applicant's current drive-through facility. She testified that on Saturday nights, the Applicant's drive-through facility backed up traffic on Touhy through the light at Sacramento. She testified the sidewalks were also blocked by cars waiting to go through the Applicant's current drive-through facility.

Mr. Tatelbaum again testified that the Applicant did not have a drive-through facility at its current location.

In response to further questions from the ZONING BOARD OF APPEALS, Mr. Tatelbaum testified that the Applicant had a pick-up window at its current location.

The ZONING BOARD OF APPEALS noted that in this instance, a pick-up window and a drive-through facility were the same thing.¹

Ms. Hamlin then testified that in addition to traffic, she was concerned regarding increased emissions and noise from cars waiting in the pick-up line and from the call box. She testified that she was concerned due to the fact the subject property was very close to a corner and that there is nothing in the Applicant's plans that indicates that the exit would be right-hand only. She testified she was concerned with people trying to turn left and blocking the thoroughfare and flow of traffic. She testified that West Touhy at this location is a very busy street, often bumper to bumper. She testified West Touhy at this location is a snow route and has twenty-four hour bus services. She testified that as people use West Fitch to avoid West Touhy at this location already, she is concerned that the Applicant's proposed special use will negatively impact traffic congestion on West Fitch. She then testified that while the Applicant's plans indicate that the Building has a drive-through facility, the Building currently does not have said facility. She testified that it was her belief that the previous buildings on the subject property had been demolished without a permit.

Ms. Karen Elkin, of 2832 W. Fitch, testified in opposition to the application. She testified that her property was directly behind the subject property. She testified that it was also her belief that the previous buildings on the subject property had been demolished without a permit.

In response to questions from Ms. Elkin, Mr. Tatelbaum testified that the Applicant had a permit for the demolition of the previous buildings on the subject property. He testified that he did not recall if there had been an initial demolition done on the previous building without a demolition permit. He did not recall if said demolition had been shut down. He testified that he remembered getting a phone call. He testified that two officers came immediately and he spoke to them. He testified that he stated the Applicant was only cleaning up the debris as the ward alderman had instructed. He testified that the officers then spoke to the ward alderman via telephone and then left.

Ms. Hamlin testified that she did not believe this was true.

Ms. Elkin then testified that she was not against the Applicant's restaurant only the proposed special use. She testified that it was her belief that the Applicant's parking lot would allow cars to access the alley at the rear of the subject property.

The ZONING BOARD OF APPEALS assured Ms. Elkin that based on the plans provided by the Applicant those vehicles utilizing the parking lot would not have access to the alley.

¹ In particular, Section 17-17-0247.5 of the Chicago Zoning Ordinance defines a drive-through facility as "any service window, automated device or other facility that provides goods or services to individuals in a motor vehicle."

Ms. Elkin then testified that she believed that the proposed special use would generate noise that would be detrimental to both herself and others whose homes back up to the subject property. She testified that she would like to make sure that there is adequate sound attenuation so that the sound of the proposed special use is not coming into her home and her yard.

The ZONING BOARD OF APPEALS then accepted into the record a petition of objection from Ms. Hamblin. It noted that because it was a quasi-judicial body, it would accept such petition but would weigh it accordingly.

Mr. Tatelbaum testified he did not believe the petition was legitimate.

The ZONING BOARD OF APPEALS stated it was the ZONING BOARD OF APPEALS job to weigh both law and fact. It noted that some pieces of evidence are better than others, which is why the Applicant was required to have an expert witness testify. It noted that having two witnesses present to give their objections is more powerful than something written.

Mr. Tatelbaum testified that he understood. He then testified that the call box would be a low-decibel call box with screening and backing and would not infringe on the neighbors to rear of the subject property. He testified that the time during which the call box would be used would be very brief: from 8:00 AM through 11:00 AM. He testified it would be for coffee and muffins. He testified that once the restaurant was fully open, the Applicant would not take orders from there because the drive-through facility was really a pick-up window. He testified that people would not be ordering from the pick-up window but would instead arrive, say they needed to pick-up their order and they would be handed their order. He testified that the Applicant would be as fast as what he believed were the time frames provided by Dunkin Donuts, which were generally two to three minutes but could be as long as five to seven minutes.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Tatelbaum testified that the restaurant would fully open at 11:00 AM. He testified that after 11:00 AM, a person would not order from the window. He testified that a person would only pick up from the window. He testified that in the event a person arrived too early, the Applicant's staff would tell them to pull into one of the parking lot's parking spaces. He testified that the Applicant's staff would bring out the pizza once it was ready.

Mr. Byrnes further testified that the subject property did not need a special use for the Applicant to operate its proposed restaurant. He testified that if there were no drive-through facility at the subject property, people might park on Touhy to pick up their orders. He testified that it was his opinion that on-site was always better than off-site.

The ZONING BOARD OF APPEALS noted that it was up to the Applicant to make its case for the proposed special use and in this instance it seemed like the Applicant knew that traffic generation was going to be an issue. It then noted that it would have liked the architect to have been present at the hearing as well so that the architect could

be asked if there was anything that could be done to the Fitch side of the subject property to mitigate the noise.

The ZONING BOARD OF APPEALS further noted that with single-lane drive-throughs such as the Applicant's proposed drive-through, it was always concerned about stacking and congestion. It stated that it was surprised that no traffic study had been provided. It then asked the Applicant if the Applicant would be willing to obtain a traffic study. The ZONING BOARD OF APPEALS stated it would be willing to continue the matter until the ZONING BOARD OF APPEALS next meeting if the Applicant were willing to obtain a traffic study.

The ZONING BOARD OF APPEALS then stated that if the matter was continued, Ms. Hamblin and Ms. Erkin would have to return at that time to renew their objections. It noted that Ms. Hamblin and Ms. Erkin may wish to obtain their own traffic study as well.

Ms. Hamblin testified that she was willing to continue the matter so that the Applicant could obtain a traffic study.

Mr. Tatelbaum testified that it was his opinion that this portion of West Touhy has been desolate for several years. He testified that he had driven down this portion of West Touhy many times and there was no lighting and it was dead to the world. He testified that the north side of West Touhy from California to Francisco was dead, dirty and desolate. He testified that he took over this north side of West Touhy and intended to revitalize the community. He testified that there is additional parking on this portion of West Touhy for eight to ten cars. He testified that he has spoken to the synagogue across the street from the subject property and that the synagogue will allow the Applicant's customers to park in its parking lot. He testified that there is also a bank next to the subject property that will also allow the Applicant's customers to park in its parking lot. He testified that he did not believe the Applicant would congest the street at all.

The ZONING BOARD OF APPEALS stated that what it was hearing was that the Applicant was not interested in obtaining a traffic study and instead it wished for the ZONING BOARD OF APPEALS to vote based on the evidence that has been put into the record.

Mr. Tatelbaum testified postponing the project would be very costly to him as the Applicant had waited three (3) years. He testified that to postpone at this point meant the Applicant would not be able to operate until springtime.

The ZONING BOARD OF APPEALS stated that the decision was solely for the Applicant to make.

Mr. Tatelbaum testified that he understood.

The ZONING BOARD OF APPEALS then asked Mr. Tatelbaum to tell the ZONING BOARD OF APPEALS if the Applicant wished to obtain a traffic study or not. If the Applicant did not wish to obtain a traffic study that was fine and the ZONING BOARD OF APPEALS would render a decision based on all the evidence it currently had.

Mr. Tatelbaum testified that he wished for the ZONING BOARD OF APPEALS to render a decision based on all the evidence it currently had. He testified that such evidence included the understanding that there is adequate parking due to the street parking as well as the parking lot on the subject property and parking on the side streets.

The ZONING BOARD OF APPEALS then stated that in the event the ZONING BOARD OF APPEALS voted to approve the Applicant's proposed special use, such approval might be conditioned on the Applicant providing additional sound mitigation. It then asked the Applicant if the Applicant would be willing to agree to additional sound mitigation measures.

Mr. Tatelbaum testified that he would agree to put in additional landscaping.

The ZONING BOARD OF APPEALS noted that the Applicant did not have an architect present to discuss changes. It then cautioned that the changes the ZONING BOARD OF APPEALS might make might prove to be difficult or costly. It then repeated its prior question.

Mr. Tatelbaum testified that he did not know how to respond to the ZONING BOARD OF APPEALS question. He testified that the Applicant would do "whatever it takes" to secure the call box.

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: (1) complies with all applicable standards of the Chicago Zoning Ordinance; (2) is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of the neighborhood or community; (3) is compatible with the character of the surrounding area in terms of site planning and building scale and project design; (4) is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation; and (5) is designed to promote pedestrian safety and comfort.

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 does not comply with all applicable standards of the Chicago Zoning Ordinance.*

The subject property is located in a B1-1 zoning district and therefore a special use is required for any drive-through facility use. Since the ZONING BOARD OF APPEALS declines to grant the proposed special use, the proposed special use does not comply with all applicable standards of the Chicago Zoning Ordinance.

2. *The proposed special use will have a significant adverse impact on the general welfare of the neighborhood.*

The Applicant did not prove its case that the proposed special use will not have a significant adverse impact on the general welfare of the neighborhood. While Mr. Byrnes testified that other drive-through facilities in the area operate without a significant adverse impact on the general welfare of the neighborhood, Mr. Tatelbaum's testimony with respect to how the Applicant would operate its proposed drive-through was not particularly compelling. The ZONING BOARD OF APPEALS is particularly concerned about a wait time that could last as long as five to seven minutes. This combined with Ms. Hamblin's very credible testimony that the drive-through at the Applicant's current location in the 2900 block of West Touhy significantly congests traffic as well as blocks the sidewalk for pedestrians leads the ZONING BOARD OF APPEALS to conclude that the proposed special use would have a significant adverse impact on the general welfare of the neighborhood.

3. *The proposed special use is not compatible with the character of the surrounding area in terms of site planning and building scale and project design.*

The Applicant's site plan does not show a right-hand only exit for those cars exiting the Applicant's proposed drive-through facility. Ms. Hamblin very credibly testified that West Touhy is a very busy street at this location. Allowing those cars exiting the Applicant's proposed drive-through to turn left would therefore not be compatible with the character of the surrounding area in terms of site planning and building scale and project design. Further, despite Mr. Tatelbaum's assurances with respect to the sound box, the ZONING BOARD OF APPEALS is not convinced that sound will not be a problem for the neighbors to rear of the subject property.

4. *The proposed special use is not compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation.*

As noted above, Ms. Hamblin very credibly testified that West Touhy is a very busy street at this location. She further testified that the drive-through at the Applicant's current location in the 2900 block of West Touhy significantly congests traffic as well as blocks the sidewalk for pedestrians. Nothing in the Applicant's presentation to the ZONING BOARD OF APPEALS indicated that the Applicant's current business practices would change at the subject property. Therefore, the proposed special use is not compatible with the character of the surrounding area in terms of traffic generation.

5. *The proposed special use is not designed to promote pedestrian safety and comfort.*

As Ms. Hamblin very credibly testified, cars waiting for the Applicant's current drive-through facility block sidewalks. This practice does not promote pedestrian safety and comfort. Nothing in the Applicant's presentation to the ZONING BOARD OF APPEALS indicated that the Applicant's current business practices would change at the subject property. Therefore, the Applicant's proposed drive-through facility is not designed to promote pedestrian safety and comfort.

IV. CONCLUSION

For all of these reasons, the ZONING BOARD OF APPEALS finds that the Applicant has not proved its case by evidence, testimony and the entire record covering the specific criteria for a special use pursuant to Sections 17-13-0905-A of the Chicago Zoning Ordinance.

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

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

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

APPLICANT: Jodi Development, LLC

CAL NO.: 578-18-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
November 16, 2018

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1216 W. Huron Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 27.6' to 3.75', east setback from 3.84' to zero, west setback from 3.84' to zero, combined side setback from 9.6' to zero for two proposed bridges and stair connections to access the proposed garage roof decks.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

RECEIVED

DEC 24 2018

CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
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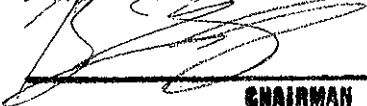
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 16, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 2, 2018; 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 3.75', east setback to zero, west setback to zero, combined side setback to zero for two proposed bridges and stair connections to access the proposed garage roof decks; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Dobbing, LLC & 2610 Seminary, LLC

CAL NO.: 579-18-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
November 16, 2018

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1106 W. Wrightwood Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 34.93' to 22.2' for a proposed three-story, single family residence with an attached three-car garage.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

RECEIVED

DEC 24 2018

CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 16, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 2, 2018; 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 22.2' for a proposed three-story, single family residence 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

CHAIRMAN

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

APPLICANT: GW South Loop, LLC

CAL NO.: 580-18-S

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:
November 16, 2018

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1113 S. Jefferson Street

NATURE OF REQUEST: Application for a special use to establish a new eight pump gas station with an accessory one-story retail building.

ACTION OF BOARD-
Continued to December 21, 2018 at 2:00 p.m.

THE VOTE

RECEIVED

DEC 24 2018

**CITY OF CHICAGO
ZONING BOARD OF APPEALS**

BLAKE SERCYE

SHAINA DOAR

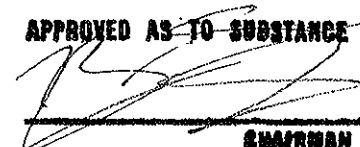
SOL FLORES

SAM TOIA

AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

APPLICANT: GW South Loop, LLC **CAL NO.:** 581-18-S
APPEARANCE FOR: Sara Barnes **MINUTES OF MEETING:**
APPEARANCE AGAINST: None November 16, 2018
PREMISES AFFECTED: 1113 S. Jefferson Street
NATURE OF REQUEST: Application for a special use to establish a dual lane drive-through to serve a proposed restaurant.

ACTION OF BOARD-
Continued to December 21, 2018 at 2:00 p.m.

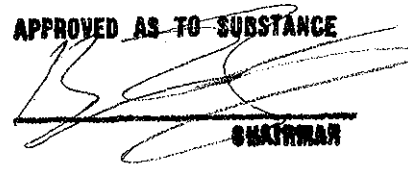
THE VOTE

RECEIVED
DEC 24 2018
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE



CHAIRMAN

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



RECEIVED

FEB 19 2019

**CITY OF CHICAGO
ZONING BOARD OF APPEALS**

WAM Acquisitions Commons, LLC

APPLICANT

582-18-S

CALENDAR NUMBER

5155 N. Broadway St. / 1137 W. Foster Ave.

PREMISES AFFECTED

November 16, 2018

HEARING DATE

ACTION OF BOARD

THE VOTE

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

Blake Sercye
Sol Flores
Sam Toia
Amanda Williams

AFFIRMATIVE	NEGATIVE	ABSENT
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE SPECIAL USE APPLICATION FOR 5155 N.
BROADWAY STREET / 1137 W. FOSTER AVENUE BY WAM ACQUISITIONS
COMMONS, LLC.**

I. BACKGROUND

WAM Acquisitions Commons, LLC (the "Applicant") submitted a special use application for 5155 N. Broadway Street/1137 W. Foster Avenue (the "subject property"). The subject property is currently zoned C2-3 and is located within 1320 feet of a Chicago Transit Authority ("CTA") station entrance. The subject property is currently improved with several single and two-story retail buildings. The Applicant proposed to raze these buildings and redevelop the subject property with a four-story mixed-used building, which building would have ground floor retail and 27 residential dwelling units on floors 2-4. The Applicant's proposed development would also include 4 vehicular parking spaces and 25 bicycle parking spaces. To permit the Applicant's proposed development, the Applicant sought a special use to reduce the required 27 parking spaces 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 ("Department") recommended approval of the proposed special use reducing the off-street parking subject to the condition that the development is consistent with the design and layout of the plans and drawings dated November 15, 2018, and prepared by Level Architecture, Inc.

APPROVED AS TO SUBSTANCE

[Signature]
act CHAIRMAN

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's special use application at its regular meeting held on 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*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure, the Applicant had submitted its proposed Findings of Fact. The Applicant's manager Mr. Mark Heffron and its attorney Ms. Liz Butler were present. The Applicant's land planner Mr. George Kisiel, project architect Mr. Greg Gibson and transportation consultant Mr. Luay Aboona were also present. Testifying in opposition to the applications was Mr. Jerry Rinc. Alderman Osterman's chief of staff Mr. Dan Luna was also present. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

The Applicant's attorney Ms. Liz Butler provided the ZONING BOARD OF APPEALS with a brief overview of the Applicant's proposed development. She noted that the Applicant's proposed development had the support of the Uptown United Chamber of Commerce, the Lakewood Balmoral Residences Council and the ward alderman Alderman Osterman.

The Applicant presented the testimony of its manager Mr. Mark Heffron. He testified that he was one of the managers of Cedar Street, which set up separate limited liability companies for each of its projects. He testified that the Applicant was one of these separate limited liability companies. Mr. Heffron testified that with respect to the residential dwelling units, the Applicant's proposed project would have about 20% studio apartments and the rest of the dwelling units would be 1-bedroom apartments. He testified that the average size of the 1-bedroom apartments would be approximately 450-475 square feet. He testified that the largest 1-bedroom apartment would be pushing just over 500 square feet. He testified that Cedar Street has developed projects similar to the Applicant's proposed project in the same general vicinity of the subject property. He testified that many of the buildings that Cedar Street had developed in Uptown had been existing, nonconforming buildings or landmarked buildings and were therefore developed without parking. He testified that in all, Cedar Street had developed 350 dwelling units without parking.

He testified that Cedar Street had made the mistake of developing larger dwelling units without parking and, in consequence, the issue of parking for dwelling units had become pretty "black and white." He testified that when Cedar Street is developing projects with studios and smaller 1-bedroom dwelling units, the parking demand is very small. He testified that Cedar Street had conducted several internal surveys and that parking demand is far, far less for buildings with studios and smaller 1-bedroom dwelling units than buildings with 2 to 3-bedroom dwelling units. He testified that based on his experience, the parking provided at the Applicant's proposed development will meet tenant requirements. He testified that in the event that the Applicant's proposed

development did have a higher than anticipated demand for parking, Cedar Street had a 342 dwelling unit re-adaptive use project just south of the subject property at 5050 N. Broadway. He testified that across the street from the 5050 N. Broadway project is a 660 car garage that was originally developed to support the office use at 5050 N. Broadway. He testified that he felt strongly that there will be excess parking at the garage in the near future, as that is the nature of re-adaptive use. He testified that Cedar Street viewed the garage as an opportunity to offer parking. He testified that as the ZONING BOARD OF APPEALS could see from the Applicant's rendering of the proposed project, the parking garage was about 700 feet south of the subject property. He testified that the parking garage is over 600 feet away from the subject property, making it ineligible for off-site parking for the subject property.

The Applicant presented the testimony of its project architect Mr. Greg Gibson. Mr. Gibson testified that he was a licensed architect in the State of Illinois. He testified as to the existing conditions of the subject property. He testified that with the exception of the Applicant's proposed special use, the Applicant's proposed development would conform with all other requirements of the Chicago Zoning Ordinance.

The Applicant presented the testimony of its land planner Mr. George Kisiel. The ZONING BOARD OF APPEALS recognized Mr. Kisiel as an expert in the area of land planning. Mr. Kisiel testified that he had conducted an urban planning analysis of the proposed special use and had prepared a report detailing his analysis, findings and conclusions. He testified that such report had been submitted to the ZONING BOARD OF APPEALS prior to the hearing. He then briefly testified to the conclusions in his report with respect to the five general criteria for a special use. Said conclusions were as follows: (1) the proposed development complies with all standards of the Chicago Zoning Ordinance with the exception of the requested parking reduction; (2) the proposed development is consistent with the character of the surrounding area with respect to its physical attributes and the site is attractively rendered and well-designed; (3) the proposed development replaces four underutilized and deteriorating structures (4) the proposed special use is in the interest of the public convenience because it will provide new, up-to-date housing and pedestrian-orientated retail options, while upgrading the streetscape with attractive storefronts and enhanced paving treatments; (5) the proposed development's hours of operation, traffic and noise generation will be consistent with the surrounding commercial and residential uses in the area; (6) there will be no adverse impact on the general welfare of the community or neighborhood; and (7) there will be no adverse impact on pedestrian safety and comfort.

He then briefly testified to his conclusions in his report with respect to the special criteria necessary for parking reductions in transit served locations. Said conclusions were as follows: (1) the subject property is located within 700 feet of the Berwyn CTA Red Lines station; (2) the proposed development complies with the requirements of retail pedestrian streets regarding transparency, setbacks and configuration; (3) the proposed special use complies with the general goals that are set forth in the Transit Friendly Development Guide, particularly for those goals set forth for Local Activity Center typologies, which is what the proposed development would fit into; (4) the subject

property is well-served by existing modal alternatives, such as the CTA station, numerous bus lines on both Broadway Street and Foster Avenue, Divvy bike racks and car share opportunities; (5) because the adjacent sidewalks to the subject property are somewhat constrained by existing infrastructure, the Applicant does not have a lot of opportunity to provide additional street furniture or other enhancements of that nature and so in consequence the Applicant will be providing enhanced paving treatments and an on-site CTA kiosk.

He then concluded by testifying that the Applicant's proposed special use would be consistent with all applicable standards for special uses in general and reduced parking at transit-served locations in particular. He testified that the proposed special use would have no adverse impact and no public purpose of any kind would be served by the ZONING BOARD OF APPEALS' denial of the proposed special use.

The Applicant presented the testimony of its transportation consultant Mr. Luay Aboona. The ZONING BOARD OF APPEALS recognized Mr. Aboona as an expert in transportation. Mr. Aboona testified that he had conducted a transportation study in connection with the Applicant's proposed special use. He testified that such study had been submitted to the ZONING BOARD OF APPEALS prior to the hearing. He testified that he had examined the availability of on-street parking in the vicinity of the subject property. He testified that due to the subject property's proximity to not only the Berwyn CTA Red Line station but also numerous bus lines, there would be a reduced demand for parking at the proposed development. He testified he also considered the availability of sidewalks, high-visibility sidewalks and pedestrian countdown timers along the route to and from the subject property and the Berwyn CTA Red Line station, all of which contribute to providing a safe path for future residents of the proposed development. He testified that there are numerous bicycle facilities in the surrounding area, as Broadway Street has buffered bike lanes south of Foster Avenue. He testified that both Broadway Street and Foster Avenue are identified as bike routes in the City's Department of Transportation bike route plan. He testified that there are Divvy bicycle sharing facilities as well as car sharing facilities near the subject property. He testified that if there is a need for parking, there is definitely adequate on-street parking in the immediate vicinity, namely on Broadway Street and Foster Avenue. He testified there are also off-street parking facilities in the area, such as the parking garage testified to by Mr. Heffron.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Heffron testified that the Applicant's proposed development would be an all-rental development. He testified that he did not anticipate people using cars at the proposed development.

Ms. Butler stated that the Applicant would be marketing the proposed development's residential units as a transit oriented district ("TOD")¹ and would be including information about available transit opportunities in the area in the marketing of said units.

¹ Although Section 17-10-0102-B refers to such districts as "transit-served locations," both the City and the public have embraced TOD instead.

Mr. Heffron then testified about the recent comparable development Cedar Street had completed, which was the Lawrence House Development. He testified that Lawrence House was comprised of 340 dwelling unit and as it was a redevelopment of a nonconforming building, there is no parking. He testified that Cedar Street had done a survey of the tenants of Lawrence House with respect to car ownership and paying for on-site car parking. He testified that with respect to this development, the Applicant anticipated that the parking demand would be around 10% of the total residential dwelling units. He testified that in the event it was around 20% then there was the parking garage south of the subject property.

In response to further questions from the ZONING BOARD OF APPEALS, Mr. Heffron testified the Applicant attended to market the residential dwelling units in the middle market area with a studio apartment renting as low as \$1300 and a 1-bedroom renting as low as \$1500 per month.

In response to further questions from the ZONING BOARD OF APPEALS, Alderman Osterman's chief of staff Mr. Dan Luna testified that this area does not have permit parking. He then testified as to affordable housing commitments Cedar Point made at its project at 5050 N. Broadway. He testified that the Applicant had worked with the community on the design of the proposed development and had committed to using the garage south of the subject property for additional parking for the proposed development if such additional parking was required.

The ZONING BOARD OF APPEALS noted that it appreciated Cedar Point's commitment to affordable housing but that the Applicant's proposed special use did not require any affordable housing commitment.

Mr. Jerry Rinc, of 5301 N. Magnolia, testified in opposition to the Applicant's application. He testified that he resided about 200 feet from the subject property. He testified that he was not against the actual building as he believed it looked very good. He testified that he was against the parking reduction. He testified that he was a former member of the alderman's 48th Ward Parking Task Force Committee and as such he had gone through the parking in the ward and determined it was limited. He testified that the 5200 block of Magnolia was a "very tight" with respect to parking. He testified that he believed at least 30% of the Applicant's future tenants would have cars, which out of 27 residential dwelling units would lead to 9 more cars in the neighborhood. He testified that he did not believe that a person renting a 1-bedroom apartment would pay an additional \$150 a month to park in a parking garage. He testified that he believed the majority of the Applicant's future tenants would therefore park on Magnolia. He then testified as to the current parking conditions on Magnolia and then reiterated his opinion that the proposed development would make the parking situation tougher on the 5200 block of Magnolia. He testified that he was therefore against a 100% parking reduction.

The ZONING BOARD OF APPEALS stated that with respect to the current parking situation on Magnolia, Mr. Rinc should perhaps speak with the alderman's office as such situation was beyond the scope of the ZONING BOARD OF APPEALS.

In closing, Ms. Butler reiterated that the Applicant would be providing 4 parking spaces as part of its proposed development.

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

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

Pursuant to Section 17-13-0905-F(1) of the Chicago Zoning Ordinance, no special use application for the reduction of off-street parking requirements for residential and non-residential uses from the otherwise applicable standards by more than fifty percent (50%) as expressly authorized in Section 17-10-0102-B of the Chicago Zoning Ordinance, may be approved unless the ZONING BOARD OF APPEALS finds that the special use meets the general criteria of Section 17-13-0905 of the Chicago Zoning Ordinance and all of the following specific criteria: (a) the project complies with the applicable standards of Section 17-10-0102-B of the Chicago Zoning Ordinance; (b) the project complies with the standards and regulations of Section 17-3-0500 of the Chicago Zoning Ordinance pertaining to pedestrian streets and pedestrian retail streets, even if the project is not located along a pedestrian street or a pedestrian retail street; (c) the project complies with the general goals set forth in the Transit Friendly Development Guide: Station Area Typology, and any other station-specific plans, designs or guidelines adopted by the Chicago Plan Commission; (d) the Applicant will actively promote public transit and alternatives to automobile ownership through car sharing programs or other shared modes of transportation, such as funding the installation of new public bike-share (Divvy) docks or stations within or adjacent to the project site and the purchase of bikes for such docks or stations, subject to the review and approval of the Chicago Department of Transportation of such bike-share expenditures; and (e) the requested reduction will be offset by enhancements to the pedestrian environment that are not otherwise required, such as wider sidewalks, decorative pavement, trees, raised planters, outdoor seating, special lighting, bus shelters or other types of weather protection for pedestrians, transit information kiosks, or other pedestrian amenities.

Pursuant to Section 17-13-0905-F(2) of the Chicago Zoning Ordinance, no special use application for the reduction of off-street parking requirements for residential and non-residential uses from the otherwise applicable standards by more than fifty percent (50%) as expressly authorized in Section 17-10-0102-B of the Chicago Zoning

Ordinance, may be approved unless the ZONING BOARD OF APPEALS considers the availability of on-street parking in the vicinity of the project.

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

III. FINDINGS OF FACT

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

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

As set forth in Mr. Kisiel's report, the proposed development complies with all bulk, height and density requirements of the C2-3 zoning district. As further set forth in Mr. Kisiel's report: (a) ground floor retail and dwelling units above the ground floor are permitted uses in the C2-3 zoning district; and (b) no loading space is required with the proposed development. Therefore, it is only because the Applicant has requested a parking reduction that a special use is required. Since the ZONING BOARD OF APPEALS has determined to grant the proposed special use, the ZONING BOARD OF APPEALS finds that the 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. Kisiel very credibly testified, the proposed special use is in the interest of the public convenience because it will provide new, up-to-date housing and pedestrian-orientated retail options, while upgrading the streetscape with attractive storefronts and enhanced paving treatments. Further, the proposed special use will not have a significant adverse impact on the general welfare of the neighborhood or community because: (1) the subject property is within such close proximity to the CTA Berwyn Red Line Station; (2) there are numerous bus lines on both Foster Avenue and Broadway Avenue; (3) there are Divvy bike stations and car sharing facilities nearby; and (4) the Applicant will have available parking at its parking garage south of the subject property.

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 is a necessary component of the Applicant's proposed development. As Mr. Kisiel very credibly testified (and as set forth in far greater detail in his report) the proposed development is consistent with the character of the surrounding area with respect to its physical attributes and the site is attractively rendered and well-designed.

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.*

The proposed special use is a necessary component of the Applicant's proposed development. As Mr. Kisiel very credibly testified (and as set forth in far greater detail in his report) the proposed development's hours of operation, traffic and noise generation will be consistent with the surrounding commercial and residential uses in the area.

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

The proposed special use is a necessary component of the Applicant's proposed development. As Mr. Kisiel very credibly testified (and as set forth in far greater detail in his report) the proposed development is designed to promote pedestrian safety and comfort. In particular, and as stated in Mr. Kisiel's report: "the commercial frontages and residential lobby of the proposed development will be transparent and well-lit, bringing activity to Broadway [Street] and Foster Avenue, especially in comparison to the current development on the site. With limited parking tucked away behind the building and accessed via the public alley, with no curb cuts or driveways contemplated from the street, the proposed development will pose no increased risk to pedestrian safety."

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

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

Section 17-10-0102-B of the Chicago Zoning ordinance states that residential uses on non-pedestrian streets in B, C or D zoning districts and located within 1320 feet of a CTA station (as measured along a straight line) may have their off-street parking requirements reduced by 100% if certain conditions are met. In the instant case, the subject property is located in a C zoning district. The subject property is located within 700 feet of the Berwyn CTA Red Line station. Neither Foster Avenue nor Broadway Street is a designated pedestrian street or pedestrian

retail street at this location. Further, the proposed development shall have one designated bicycle space for each parking space that would otherwise have been required (e.g., the proposed development will have 4 parking spaces, so the proposed development is required to have 23 bicycle spaces). As shown by the Applicant's plans, the Applicant will be providing 25 bicycle spaces.

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

As noted above, neither Foster Avenue nor Broadway Street is a designated pedestrian street or pedestrian retail street at this location. Nevertheless, as very credibly testified to by Mr. Kisiel (and as set forth in far greater detail in his report), the Applicant's proposed development complies with the standards and regulations of Section 17-3-0500 of the Chicago Zoning Ordinance for pedestrian retail streets.

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

As very credibly testified to by Mr. Kisiel (and as set forth in far greater detail in his report as well as Mr. Aboona's transportation study), the Applicant's proposed development complies with the general goals set forth in the Transit Friendly Development Guide: Station Area Typology (the "Guide"). In particular, the Berwyn CTA Red Line station is identified in the Guide as a Local Activity Center typology. The Applicant's proposed development complies with the goals of such Local Activity Center typology in that it will provide ground floor retail at the subject property and will be pedestrian oriented with a residential density in keeping with a maximum allowed under the Chicago Zoning Ordinance. The proposed development will also be consistent with similar development in the area.

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

As very credibly testified to by Mr. Kisiel and Mr. Aboona (and as set forth in greater detail in Mr. Kisiel's report and Mr. Aboona's transportation study), there are both Divvy bike stations and car sharing facilities nearby. There are also numerous bus lines on Broadway Street and Foster Avenue as well as the Berwyn

CTA Red Line Station. Further, Mr. Heffron testified that the Applicant will market the proposed development as a TOD and would be including information about these available transit opportunities in said marketing.

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

As very credibly testified to by Mr. Kisiel, because the adjacent sidewalks to the subject property are somewhat constrained by existing infrastructure, the Applicant does not have a lot of opportunity to provide additional street furniture or other enhancements of that nature. In consequence the Applicant will be providing enhanced paving treatments and an on-site CTA kiosk.

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

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

As very credibly testified to by Mr. Aboona (and as set forth in greater detail in his transportation study) there is adequate on-street parking in the immediate vicinity, namely on Broadway Street and Foster Avenue.

IV. CONCLUSION

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

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

1. The development shall be consistent with the design and layout of the plans and drawings dated November 15, 2018 and prepared by Level Architecture, Inc.

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



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FEB 19 2019

**CITY OF CHICAGO
ZONING BOARD OF APPEALS**

**583-18-S & 584-18-S
CALENDAR NUMBERS**

**Kathy Hardin Earl dba Amani Muskani
House**

APPLICANT

November 16, 2018

HEARING DATE

7528 S. Eggleston Ave. & 400 W. 76th St.

PREMISES AFFECTED

ACTION OF BOARD

THE VOTE

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

Blake Sercye
Shaina Doar
Sol Flores
Sam Toia
Amanda Williams

AFFIRMATIVE	NEGATIVE	ABSENT
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input 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 APPLICATIONS FOR 7528 S.
EGGLESTON AVENUE AND 400 W. 76TH STREET BY KATHY HARDIN
EARL DBA AMANI MUSKANI HOUSE**

I. BACKGROUND

Kathy Hardin Earl dba Amani Muskani House (the "Applicant") submitted a special use applications for 7528 S. Eggleston Avenue (the "transitional residence property") and 400 W. 76th Street (the "parking lot property"). Both the transitional residence property and the parking lot property are currently zoned RT-4. The transitional residence property is improved with a transitional residence. The parking lot property is currently improved with a surface parking lot. The Applicant proposed to legalize her transitional residence on the transitional residence property. To do so, she sought a special use to: (1) establish a transitional residence on the transitional residence property; and (2) establish two required parking spaces off-site at the parking lot property. In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City's Department of Planning and Development ("Department") recommended approval of the proposed transitional residence for up to ten (10) adult male clients provided that the special use was issued solely to the Applicant. In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the Department also

APPROVED AS TO SUBSTANCE

CHAIRMAN

recommended approval of the two required off-site parking spaces provided the special use was issued solely to the Applicant.

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's special use applications 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-Time*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure, the Applicant had submitted her proposed Findings of Fact. The Applicant and her attorney Mr. Thomas S. Moore were present. The Applicant's MAI certified real estate appraiser Mr. Joseph M. Ryan was present. The manager of the Applicant's transitional residence Mr. Coleman S. Jefferson was present. One of the transitional residence's residents Mr. Steve Gibson was present. Ms. Fanny Davis, address unknown, and Mr. Lawrence Richard, of 7550 S. Eggleston, 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 Ms. Kathy Hardin Earl testified that she owned and operated two (2) sober living facilities in the City. She testified that she had appeared before the ZONING BOARD OF APPEALS about ten (10) years ago for her women's facility. She testified that the transitional residence on the transitional residence property was her men's facility. She testified that she had a contract with the State of Illinois to provide ex-offenders transitional housing. She testified she had the necessary qualifications and certifications. She testified that she has years of experience running sober living facilities and is an ex-addict herself. She testified that she has a state license to operate a transitional residence but not a City license. She testified that she has been trying to obtain a City license for about two years but that because she lacked the required parking, she could not obtain a City license. She testified that she has finally able to sign a lease for the two (2) required parking spaces at the 100 car surface parking lot on the parking lot property. She testified that parking is not an issue because none of her residents are allowed to drive and her live-in manager of the transitional residence does not drive. She testified that the only time there might be a parking issue is on weekends when family members of the residents might visit. She testified that the brochure she had submitted to the ZONING BOARD OF APPEALS prior to the start of the hearing accurately depicted the rules of her program at the transitional residence and that she enforced said rules. She testified that she offered extensive counseling services to her residents.

The Applicant presented the testimony of her MAI certified real estate appraiser Mr. Joseph M. Ryan. The ZONING BOARD OF APPEALS recognized Mr. Ryan as an expert in real estate appraisal. Mr. Ryan testified that the Applicant's applications met all necessary criteria for a special use. He testified that the transitional residence property will function as a residential house in a residential neighborhood. He testified that it has

been in operation for several years and has had no negative effect. He testified that the parking lot property is just across the street from the transitional residence property. He testified that the surface parking lot on the parking lot property is under parked and the two (2) spaces being used by the Applicant will have no effect. He testified that it is likely the Applicant's two (2) spaces will be minimally used.

The Applicant presented the testimony of Mr. Colemon S. Jefferson. He testified that he was the manager of the Applicant's transitional residence facility at the transitional residence property. He testified that he lived on-site.

The Applicant presented the testimony of Mr. Steve Gibson. He testified that he resided at the transitional residence at the transitional residence property.

Ms. Fannie Davis, address unknown, asked who would be living in the transitional residence.

Ms. Earl testified that she operated a 10-bed transitional facility for men. She testified that she was contracted through the Illinois Department of Corrections ("IDOC") to fill the beds with parolees. She testified that she had a very close working relationship with IDOC. She testified that every time she was sent a parolee, she had the option to accept or reject the placement. She testified that if she had issues with an individual, she called the parole officer, who promptly removed the individual. She testified that if the situation warranted, the individual was either taken back to prison or taken someplace else. She testified that she ran a very well-governed, well-structured program.

Ms. Davis testified that there was a halfway house about a half block away from her residence, and she considered them harmless people.

Mr. Richard Lawrence, of 7550 S. Eggleston, testified that while he was in support of Ms. Harden's transitional residence, he wanted a commitment from her that she would: (1) not allow her residents to loiter on others' property; and (2) take control of the vacant property next to the transitional residence property.

The ZONING BOARD OF APPEALS stated that while it could not legally condition its approval on Ms. Hardin illegally entering another person's property, it encouraged both Ms. Hardin and Mr. Lawrence to speak with each other.

The Applicant's attorney Mr. Thomas S. Moore stated that he would ensure that Mr. Lawrence received Ms. Hardin's phone number.

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: (1) complies with all applicable standards of the Chicago Zoning Ordinance; (2) is in the interest of the public

convenience and will not have a significant adverse impact on the general welfare of the neighborhood or community; (3) is compatible with the character of the surrounding area in terms of site planning and building scale and project design; (4) is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation; and (5) is designed to promote pedestrian safety and comfort.

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 special uses pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance:

1. *The proposed special uses comply with all applicable standards of the Chicago Zoning Ordinance.*

Transitional Residence Property

The transitional residence property is located in a RT-4 zoning district. A transitional residence is a special use in any residential zoning district, requiring that the ZONING BOARD OF APPEALS grant a special use. As 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.

Parking Lot Property

The transitional residence requires two (2) parking spaces. Since the Applicant cannot locate these two (2) parking spaces on-site, the Applicant had to provide off-site parking. Off-site required parking requires a special use. As 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 uses are in the interest of the public convenience and will not have a significant adverse impact on the general welfare of the neighborhood.*

Transitional Residence Property

The Applicant's transitional residence is in the interest of the public convenience because it provides a sober living environment for those recently released from IDOC. The proposed special use will not have a significant adverse impact on the general welfare of the neighborhood because Ms. Earl has well-established rules

for her transitional residence and because she has a very close working relationship with IDOC. Further, as Mr. Ryan testified, the Applicant's transitional residence has been operating for several years without any negative effect on property values.

Parking Lot Property

The proposed off-site required parking for the Applicant's transitional residence is in the interest of the public convenience because it allows the Applicant to legalize her transitional residence. The proposed special use will not have significant adverse impact on the general welfare of the neighborhood because it will be located in an existing surface parking lot with 100 parking spaces.

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

Transitional Residence Property

The proposed transitional residence will be located within the existing residence on the transitional residence property. In turn, the transitional residence property is located in a residential zoning district. Therefore, the proposed special use is compatible with the character of the surrounding area in terms of site planning and building scale and project design.

Parking Lot Property

As noted above, the proposed off-site parking will be located in an existing surface parking lot with 100 parking spaces. Therefore, 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 uses are compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation.*

Transitional Residence Property

As Mr. Ryan testified, the transitional residence property will function as a residential house in a residential neighborhood. Therefore, it will have similar operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation as other residences in the surrounding area. In fact, as the residents are not allowed to drive and as Mr. Jefferson does not drive, traffic generation will likely be less than other residential uses in the surrounding area.

Parking Lot Property

As noted above, the proposed off-site required parking will be located within an existing 100 space surface parking lot. Therefore, it will have similar operating characteristics to the rest of the parking lot. In fact, as Ms. Earl testified, the spaces themselves will likely only be used on the weekends.

5. *The proposed special uses are designed to promote pedestrian safety and comfort.*

Transitional Residence Property

As the transitional residence will be located entirely within the existing residence on the transitional residence property, pedestrian safety and comfort are protected.

Parking Lot Property

As noted above, the off-site required parking will be located within an existing surface parking lot. This will ensure that pedestrian safety and comfort are protected.

IV. CONCLUSION

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

The ZONING BOARD OF APPEALS hereby approves the Applicant's applications for special uses, 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 uses, provided that:

1. The special uses are issued solely to the Applicant; and
2. The special use for the transitional residence property is approved for up to ten (10) adult male clients.

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: 4757 Ashland, LLC **CAL NO.:** 585-18-Z

APPEARANCE FOR: Sara Barnes **MINUTES OF MEETING:**
November 16, 2018

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4753-59 N. Ashland Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 30' to 2' for a proposed four-story mixed use building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

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DEC 24 2018

CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 16, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 2, 2018; 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 mixed use building; two additional variation were granted to the subject property in Cal. Nos. 586-18-Z and 587-18-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

APPLICANT: 4757 Ashland, LLC **CAL NO.:** 586-18-Z
APPEARANCE FOR: Sara Barnes **MINUTES OF MEETING:**
November 16, 2018
APPEARANCE AGAINST: None
PREMISES AFFECTED: 4753-59 N. Ashland Avenue

NATURE OF REQUEST: Application for a variation to reduce the on-site parking requirement from thirty-nine parking spaces to thirty-five parking spaces for a proposed four-story mixed use building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

RECEIVED

DEC 24 2018

 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

BLAKE SERCYE
 SHAINA DOAR
 SOL FLORES
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		


THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 16, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 2, 2018; 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 on-site parking requirement to thirty-five parking spaces for a proposed four-story mixed use building; two additional variations were granted to the subject property in Cal. Nos. 585-18-Z and 587-18-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 4757 Ashland, LLC **CAL NO.:** 587-18-Z
APPEARANCE FOR: Sara Barnes **MINUTES OF MEETING:**
November 16, 2018
APPEARANCE AGAINST: None
PREMISES AFFECTED: 4753-59 N. Ashland Avenue

NATURE OF REQUEST: Application for a variation to reduce the required off-street loading zone from one to zero for a proposed four-story mixed use building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

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 DEC 24 2018

 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

BLAKE SERCYE
 SHAINA DOAR
 SOL FLORES
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 16, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 2, 2018; 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 off-street loading zone to zero for a proposed four-story mixed use building; two additional variations were granted to the subject property in Cal. Nos. 585-18-Z and 586-18-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Sean R. Kelly
APPEARANCE FOR: Richard Velazquez
APPEARANCE AGAINST: None
PREMISES AFFECTED: 3416 W. Lake Street

CAL NO.: 588-18-Z

MINUTES OF MEETING:
November 16, 2018

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 30' to zero for a proposed 10' chain link fence with fabric mesh screen at the rear of a proposed accessory parking lot to serve the existing warehouse building.

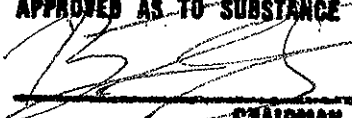
ACTION OF BOARD-
Continued to December 21, 2018 at 2:00 p.m.

THE VOTE

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CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Sean R. Kelly
APPEARANCE FOR: Richard Velazquez
APPEARANCE AGAINST: None
PREMISES AFFECTED: 3416 W. Lake Street

CAL NO.: 589-18-Z

MINUTES OF MEETING:
November 16, 2018

NATURE OF REQUEST: Application for a variation to establish a 7' high ornamental fence with sliding gate along Lake Street on the property line instead of 5' from the property line.

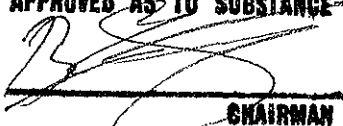
ACTION OF BOARD-
Continued to December 21, 2018 at 2:00 p.m.

THE VOTE

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DEC 24 2018
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Olga Nolasco **CAL NO.:** 590-18-Z
APPEARANCE FOR: Same as Applicant **MINUTES OF MEETING:**
November 16, 2018
APPEARANCE AGAINST: None
PREMISES AFFECTED: 4637 S. Kilpatrick Avenue

NATURE OF REQUEST: Application for a variation to reduce south setback from the required 4' to 0.5", north from 4' to 1'-6", combined side setback from 9.9' to 1'-11" for a proposed second story addition on the existing single family residence.


ACTION OF BOARD-
Continued to December 21, 2018 at 2:00 p.m.

THE VOTE

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CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Olga Nolasco **CAL NO.:** 591-18-Z
APPEARANCE FOR: Same as Applicant **MINUTES OF MEETING:**
November 16, 2018
APPEARANCE AGAINST: None
PREMISES AFFECTED: 4637 S. Kilpatrick Avenue

NATURE OF REQUEST: Application for a variation to increase the floor area ratio by 10% from 0.65 to 0.75 for a proposed second floor addition to the existing single family residence.

ACTION OF BOARD-
Continued to December 21, 2018 at 2:00 p.m.

THE VOTE

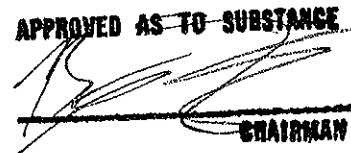
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DEC 24 2018

CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 1446-50 Barry, LLC

CAL NO.: 592-18-S

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
November 16, 2018

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1448 W. Barry Avenue

NATURE OF REQUEST: Application for a special use to establish residential use below the second floor for a proposed five-story, eight dwelling unit building with roof top enclosures, roof decks, front balconies, interior parking and attached parking.


ACTION OF BOARD-
Continued to December 21, 2018 at 2:00 p.m.

THE VOTE

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CITY OF CHICAGO
ZONING BOARD OF APPEALS

- BLAKE SERCYE
- SHAINA DOAR
- SOL FLORES
- SAM TOIA
- AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 1446-50 Barry, LLC

CAL NO.: 593-18-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
November 16, 2018

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1448 W. Barry Avenue

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 3.92' to zero, east from 2' to zero for a proposed five-story, eight dwelling unit building.

ACTION OF BOARD-

Continued to December 21, 2018 at 2:00 p.m.

THE VOTE

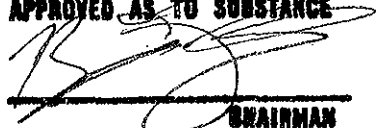
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DEC 24 2018

CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Caryn Skupien dba North Center Massage, LLC **CAL NO.:** 594-18-S

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

November 16, 2018

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4321 N. Central Avenue

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

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

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DEC 24 2018

CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
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X		
X		
X		

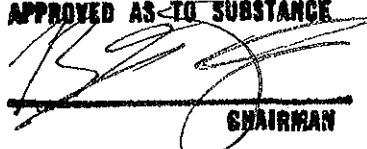
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held November 16, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 2, 2018; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a massage establishment; 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, Caryn Skupien.

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Cornelius Haywood Jr. dba C. Macks Got It Barber and Beauty Salon **CAL NO.:** 595-18-S

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
November 16, 2018

APPEARANCE AGAINST: None

PREMISES AFFECTED: 262 N. Kedzie Avenue

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

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

RECEIVED

DEC 24 2018

CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held November 16, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 2, 2018; 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 / beauty 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, Cornelius Haywood Jr. dba C. Macks Got It Barber and Beauty Salon.

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Ayesha Hassan **CAL NO.:** 596-18-Z
APPEARANCE FOR: Paul Kolpak **MINUTES OF MEETING:**
November 16, 2018
APPEARANCE AGAINST: None
PREMISES AFFECTED: 5336* N. Bowmanville Avenue

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 21.22' to zero, west from 7.31' to 6' (east shall be 25'-3"*), rear setback from 21.18' to 5' for a proposed two-story single family residence with an attached two car garage.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

RECEIVED

 DEC 24 2018

 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

BLAKE SERCYE
 SHAINA DOAR
 SOL FLORES
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

THE RESOLUTION:

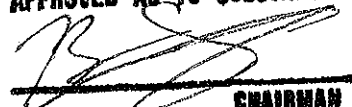
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 16, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 2, 2018; and

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, west to 6' (east shall be 25'-3"*), rear setback to 5' for a proposed two-story single family residence with an attached two car garage; an additional variation was granted to the subject property in Cal. No. 597-18-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.

*Amended at Hearing

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Ayesha Hassan

CAL NO.: 597-18-Z

APPEARANCE FOR: Paul Kolpak

MINUTES OF MEETING:
November 16, 2018

APPEARANCE AGAINST: None

PREMISES AFFECTED: 5336* N. Bowmanville Avenue

NATURE OF REQUEST: Application for a variation to reduce the front property line to on- site parking from the required 20' to 13.17' for a proposed two-story, single family residence with an attached garage.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

RECEIVED

DEC 24 2018

CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 16, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 2, 2018; 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 property line to on- site parking to 13.17' for a proposed two-story, single family residence with an attached garage; an additional variation was granted to the subject property in Cal. No. 596-18-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.

*Amended at Hearing

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Albatross Investments, LLC **CAL NO.:** 598-18-S

APPEARANCE FOR: Rich Toth / Mara Georges **MINUTES OF MEETING:**
November 16, 2018

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3101 S. Giles Avenue / 319 E. 31st Street

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

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

RECEIVED

DEC 24 2018

CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

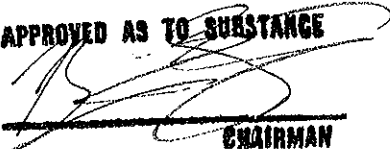
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 16, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 2, 2018; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a residential use below the second floor for a proposed four-story, four 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 Albatross Investments, LLC and the development is consistent with the design and layout of the plans and drawings dated May 31, 2018, prepared by Vari Architects, Ltd.

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Albatross Investments, LLC **CAL NO.:** 599-18-S
APPEARANCE FOR: Rich Toth / Mara Georges **MINUTES OF MEETING:**
November 16, 2018
APPEARANCE AGAINST: None
PREMISES AFFECTED: 3105 S. Giles Avenue

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

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

RECEIVED

 DEC 24 2018

 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

BLAKE SERCYE
 SHAINA DOAR
 SOL FLORES
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

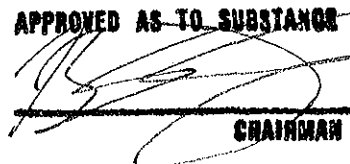
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 16, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 2, 2018; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a residential use below the second floor for a proposed four-story, four 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 Albatross Investments, LLC and the development is consistent with the design and layout of the plans and drawings dated May 31, 2018, prepared by Vari Architects, Ltd.

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Albatross Investments, LLC

CAL NO.: 600-18-S

APPEARANCE FOR: Rich Toth / Mara Georges

MINUTES OF MEETING:
November 16, 2018

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3109 S. Giles Avenue

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

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

RECEIVED

DEC 24 2018

CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
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X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 16, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 2, 2018; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a residential use below the second floor for a proposed four-story, four dwelling unit building; an additional variation was granted to the subject property in Cal. No. 601-18-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 Albatross Investments, LLC and the development is consistent with the design and layout of the plans and drawings dated May 31, 2018, prepared by Vari Architects, Ltd.

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Albatross Investment, LLC **CAL NO.:** 601-18-Z
APPEARANCE FOR: Rich Toth / Mara Georges **MINUTES OF MEETING:**
November 16, 2018
APPEARANCE AGAINST: None
PREMISES AFFECTED: 3109 S. Giles Avenue

NATURE OF REQUEST: Application for a variation to reduce the south setback from the required 3.85' to zero for a proposed four-story, eight dwelling unit building with rear three-story open porch and eight open parking spaces.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

RECEIVED

DEC 24 2018

CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
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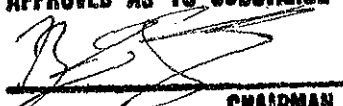
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 16, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 2, 2018; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the south setback to zero for a proposed four-story, eight dwelling unit building with rear three-story open porch and eight open parking spaces; a special use was also granted to the subject property in Cal. Nos. 600-18-S; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Christopher Saviano

CAL NO.: 602-18-Z

APPEARANCE FOR: John Pikarski

MINUTES OF MEETING:
November 16, 2018

APPEARANCE AGAINST: None

PREMISES AFFECTED: 5860 N. Keating Avenue

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 25.17' to 22.48' for a proposed rear two-story addition and a second floor addition on the existing two-story single family residence.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

RECEIVED

DEC 24 2018

CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 16, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 2, 2018; 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 22.48' for a proposed rear two-story addition and a second floor addition on the existing two-story single family residence; an additional variation was granted to the subject property in Cal. No. 603-18-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

APPLICANT: Christopher Saviano

CAL NO.: 603-18-Z

APPEARANCE FOR: John Pikarski

MINUTES OF MEETING:
November 16, 2018

APPEARANCE AGAINST: None

PREMISES AFFECTED: 5860 N. Keating Avenue

NATURE OF REQUEST: Application for a variation to increase the maximum floor area for a detached house from 0.5 to 0.6 for a proposed rear two story addition and a second floor addition on the existing single family residence.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

RECEIVED

DEC 24 2018

CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 16, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 2, 2018; 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 maximum floor area for a detached house to 0.6 for a proposed rear two story addition and a second floor addition on the existing single family residence; an additional variation was granted to the subject property in Cal. No. 602-18-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Waiyi Chan / YGC, LLC

CAL NO.: 604-18-S

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
November 16, 2018

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1941 N. Halsted Street

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

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

RECEIVED

DEC 24 2018

**CITY OF CHICAGO
ZONING BOARD OF APPEALS**

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
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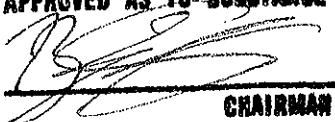
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held November 16, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago sun-Times on November 2, 2018; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a nail salon; 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, Waiyi Chan.

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: William Pierce
APPEARANCE FOR: Same as Applicant
APPEARANCE AGAINST: None
PREMISES AFFECTED: 5916 W. Roosevelt Road

CAL NO.: 605-18-S

MINUTES OF MEETING:
November 16, 2018

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

RECEIVED
DEC 24 2018
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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X		
X		


THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held November 16, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 2, 2018; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a nail salon; 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, William Pierce.

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Avrohom Ausband **CAL NO.:** 606-18-Z
APPEARANCE FOR: Same as Applicant **MINUTES OF MEETING:**
November 16, 2018
APPEARANCE AGAINST: None
PREMISES AFFECTED: 6633 N. Richmond Street

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 20.972' to 18.917', combined side setback from 9.90' to 8.334' (north and south to be 4.617') for a proposed second floor addition and a two story rear addition to the existing single family home.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

RECEIVED

 DEC 24 2018

 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

BLAKE SERCYE
 SHAINA DOAR
 SOL FLORES
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
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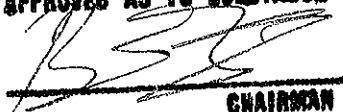
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 16, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 2, 2018; 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 18.917', combined side setback to 8.334' (north and south to be 4.617') for a proposed second floor addition and a two story rear addition to the existing single family home; an additional variation was granted to the subject property in Cal. No. 607-18-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Avrohom Ausband **CAL NO.:** 607-18-Z
APPEARANCE FOR: Same as Applicant **MINUTES OF MEETING:**
November 16, 2018
APPEARANCE AGAINST: None
PREMISES AFFECTED: 6633 N. Richmond Street

NATURE OF REQUEST: Application for a variation to increase the maximum floor area ratio from 0.65 (2,601 square feet) to 0.75 (3,001 square feet) for a proposed second floor addition and a rear two-story addition to the existing single family residence.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

RECEIVED

 DEC 24 2018

 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

BLAKE SERCYE
 SHAINA DOAR
 SOL FLORES
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
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X		

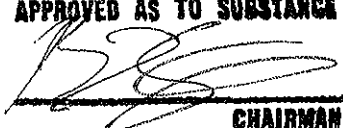
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 16, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 2, 2018; 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 maximum floor area ratio to 0.75 (3,001 square feet) for a proposed second floor addition and a rear two-story addition to the existing single family residence; an additional variation was granted to the subject property in Cal. No. 606-18-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 4321 N. Cicero, LLC
APPEARANCE FOR: Paul Kolpak
APPEARANCE AGAINST: None
PREMISES AFFECTED: 4321 N. Cicero Avenue

CAL NO.: 608-18-Z

MINUTES OF MEETING:
November 16, 2018

NATURE OF REQUEST: Application for a variation to reduce the minimum lot area from the required 4,000 square feet to 3,750 square feet to convert a three dwelling unit building to a four dwelling unit building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

RECEIVED

DEC 24 2018

CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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X		

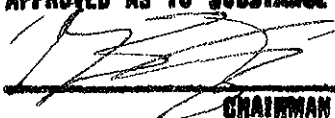
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 16, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 2, 2018; 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 minimum lot area from the required 4,000 square feet to 3,750 square feet to convert a three dwelling unit building to a four dwelling unit building; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: South Side Seats, LLC **CAL NO.:** 609-18-Z
APPEARANCE FOR: Paul Kolpak **MINUTES OF MEETING:**
November 16, 2018
APPEARANCE AGAINST: None
PREMISES AFFECTED: 4822 W. 65th Street / 6455-59 S. La Crosse Avenue

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 10.39' to 7', north setback abutting an RS-2 zoning district from 4' to 2.67' for a proposed non-required accessory off-site parking lot to serve the restaurant at 6452-56 S. Cicero Avenue.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

RECEIVED

DEC 24 2018

CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
		X
X		

THE RESOLUTION:

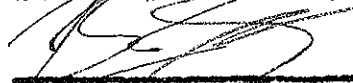
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 16, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 2, 2018; and

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', north setback abutting an RS-2 zoning district to 2.67' for a proposed non-required accessory off-site parking lot to serve the restaurant at 6452-56 S. Cicero Avenue; an additional variation was granted to the subject property in Cal. No. 610-18-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: South Side Seats, LLC **CAL NO.:** 610-18-Z
APPEARANCE FOR: Paul Kolpak **MINUTES OF MEETING:**
November 16, 2018
APPEARANCE AGAINST: None
PREMISES AFFECTED: 4822 W. 65th Street / 6455-59 S. La Crosse Avenue

NATURE OF REQUEST: Application for a variation to reduce the required 7' landscape setback along 65th Street from the required 7' to 2.70' and to waive three trees and sixteen shrubs at the reduced setback area for a proposed non-required accessory parking lot to serve a restaurant at 6452-56 S. Cicero Avenue.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

RECEIVED

 DEC 24 2018

 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

BLAKE SERCYE
 SHAINA DOAR
 SOL FLORES
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
		X
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 16, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 2, 2018; 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 7' landscape setback along 65th Street to 2.70' and to waive three trees and sixteen shrubs at the reduced setback area for a proposed non-required accessory parking lot to serve a restaurant at 6452-56 S. Cicero Avenue; an additional variation was granted to the subject property in Cal. No. 609-18-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

APPLICANT: 1526 Leavitt, LLC

CAL NO.: 611-18-Z

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:
November 16, 2018

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1528 N. Leavitt Street

NATURE OF REQUEST: Application for a variation to reduce the south setback from the required 2' to zero, north from 2' to zero', combined side setback from 5' to zero for the subdivision of a zoning lot into two zoning lots. The building at 1528 N. Leavitt shall remain.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

RECEIVED

DEC 24 2018

CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
		X
X		


THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 16, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 2, 2018; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the south setback to zero, north to zero', combined side setback to zero for the subdivision of a zoning lot into two zoning lots. The building at 1528 N. Leavitt shall remain; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: TCF Properties, LLC

CAL NO.: 612-18-Z

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:
November 16, 2018

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1721 N. Dayton Street

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 10.31' to 6.50', north setback from 2' to zero (south to be 3.08'), combined side setback from 4.61' to 3.08' for a proposed third story and rear addition for the existing three-story, three unit building to be deconverted to two dwelling units.

ACTION OF BOARD-

Continued to December 21, 2018 at 2:00 p.m.

THE VOTE

RECEIVED

DEC 24 2018

CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

APPLICANT: Alfonso Ibarra

CAL NO.: 613-18-Z

APPEARANCE FOR: John Pikarski

MINUTES OF MEETING:
November 16, 2018

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1717 N. Lawndale Avenue

NATURE OF REQUEST: Application for a variation to reduce the north setback from the required 2' to 1.25' (south to be 2.20') combined side setback from 5' to 3.45' for a rear one-story addition to the existing single family residence.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

RECEIVED

DEC 24 2018

CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
		X
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 16, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 2, 2018; 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 1.25' (south to be 2.20') combined side setback to 3.45' for a rear one-story 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

CHAIRMAN

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

APPLICANT: Jeff Zamansky **CAL NO.:** 614-18-Z
APPEARANCE FOR: Thomas Moore **MINUTES OF MEETING:**
November 16, 2018
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2920 W. Belmont Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 30' to 2' for a proposed second and third story addition containing four dwelling units over an existing warehouse building that is being converted to retail with an attached four car garage.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

RECEIVED

 DEC 24 2018

 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

BLAKE SERCYE
 SHAINA DOAR
 SOL FLORES
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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		X
X		

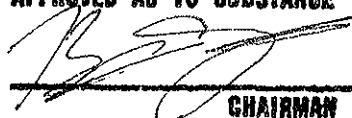
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 16, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 2, 2018; 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 second and third story addition containing four dwelling units over an existing warehouse building that is being converted to retail with an attached four car garage; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Oya's Barber Shop, LLC / Obatula Moore

CAL NO.: 615-18-S

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
November 16, 2018

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1604 E. 86th Place

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

RECEIVED
DEC 24 2018
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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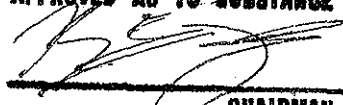
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held November 16, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 2, 2018; 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, Oya's Barber Shop, LLC / Obatula Moore.

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Modesto Salas **CAL NO.:** 616-18-Z
APPEARANCE FOR: Mark Kupiec **MINUTES OF MEETING:**
November 16, 2018
APPEARANCE AGAINST: None
PREMISES AFFECTED: 3225 S. Lawndale Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 4' to 0.98' (north to be 3.74'), combined side setback from 10' to 4.72' for a proposed attached garage and new roof over hang on an existing garage at the rear of a one-story building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

RECEIVED

 DEC 24 2018

 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

BLAKE SERCYE
 SHAINA DOAR
 SOL FLORES
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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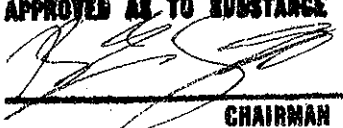
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 16, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 2, 2018; 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 0.98' (north to be 3.74'), combined side setback to 4.72' for a proposed attached garage and new roof over hang on an existing garage at the rear of a one-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

CHAIRMAN

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

APPLICANT: True to Life Foundation **CAL NO.:** 617-18-S
APPEARANCE FOR: Judy Martin **MINUTES OF MEETING:**
November 16, 2018
APPEARANCE AGAINST: None
PREMISES AFFECTED: 8828 S. Stony Island Avenue
NATURE OF REQUEST: Application for a special use to establish a community center.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

RECEIVED

 DEC 24 2018

 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

BLAKE SERCYE
 SHAINA DOAR
 SOL FLORES
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
RECUSED		
X		
X		
X		
X		


THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 16, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 2, 2018; 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, True to Life Foundation, and the development is consistent with the design and layout of the site plan dated September 17, 2018, prepared by ONYX Architectural Services, Inc.

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Tri City Foods of Illinois Inc. **CAL NO.:** 618-18-S

APPEARANCE FOR: Nicholas Ftikas **MINUTES OF MEETING:** November 16, 2018

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2401-17 W. Ogden Avenue

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

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

RECEIVED

DEC 24 2018

CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
RECUSED		
X		
X		
RECUSED		
X		

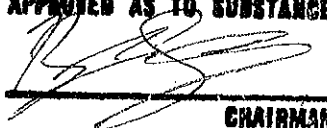
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 16, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 2, 2018; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a one lane drive through facility to serve a fast food 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, Tri City Foods of Illinois Inc. Burger King, and the development is consistent with the design and layout of the landscape plan dated September 17, 2018, prepared by Warren Johnson Architects, Inc. and Terra Engineering, Ltd.

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 21st Place Acquisitions, LLC **CAL NO.:** 619-18-S
APPEARANCE FOR: Nicholas Ftikas **MINUTES OF MEETING:**
November 16, 2018
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2157 W. 21st Place

NATURE OF REQUEST: Application for a special use to establish a residential use below the second floor for a proposed four-story, six dwelling unit building with six rear surface parking spaces.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

RECEIVED

 DEC 24 2018

 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

BLAKE SERCYE
 SHAINA DOAR
 SOL FLORES
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
		X
X		


THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 16, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 2, 2018; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a residential use below the second floor for a proposed four-story, six dwelling unit building with six rear surface parking spaces; a variation was also granted to the subject property in Cal. No. 620-18-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 21st Place Acquisitions, LLC and the development is consistent with the design and layout of the plans and drawings dated August 15, 2018, prepared by Pro-Plan Architects, P.C., and provided no concrete masonry units are used as part of any finished wall design.

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 21st Place Acquisitions, LLC **CAL NO.:** 620-18-Z
APPEARANCE FOR: Nicholas Ftikas **MINUTES OF MEETING:**
November 16, 2018
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2157 W. 21st Place

NATURE OF REQUEST: Application for a variation to reduce the east setback from the required 2' to 0.04' for a proposed four-story, six dwelling unit building with six rear surface parking spaces.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

RECEIVED

DEC 24 2018

CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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		X
X		

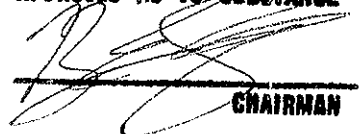
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 16, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 2, 2018; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the east setback to 0.04' for a proposed four-story, six dwelling unit building with six rear surface parking spaces; a special use was granted to the subject property in Cal. No. 619-18-S; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Revolution Home Remodeling Inc. **CAL NO.:** 621-18-Z
APPEARANCE FOR: Mark Kupiec **MINUTES OF MEETING:** November 16, 2018
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1905-09 N. Sayre Avenue

NATURE OF REQUEST: Application for a variation to reduce the south setback from the required 4' to 2.93' (north to be 1.82') combined side setback from 9' to 4.75' for the subdivision of a zoning lot. The existing building will remain at 1909 N Sayre and a new single family residence is proposed for 1905 N. Sayre Avenue.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

RECEIVED
 DEC 24 2018
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

BLAKE SERCYE
 SHAINA DOAR
 SOL FLORES
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
		X
X		

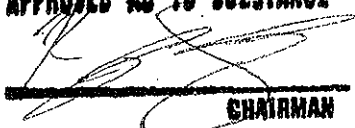
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 16, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 2, 2018; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the south setback to 2.93' (north to be 1.82') combined side setback to 4.75' for the subdivision of a zoning lot. The existing building will remain at 1909 N Sayre and a new single family residence is proposed for 1905 N. Sayre Avenue; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO ACCURACY

CHAIRMAN

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

APPLICANT: Shoreditch, LLC **CAL NO.:** 622-18-Z
APPEARANCE FOR: Sara Barnes **MINUTES OF MEETING:**
APPEARANCE AGAINST: None November 16, 2018
PREMISES AFFECTED: 3259 N. Racine Avenue

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 14.84' to 5' for a proposed three-story, three dwelling unit building.

ACTION OF BOARD-
Continued to December 21, 2018 at 2:00 p.m.

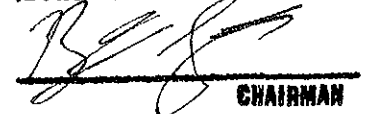
THE VOTE

RECEIVED
DEC 24 2018
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Shoreditch, LLC **CAL NO.:** 623-18-Z
APPEARANCE FOR: Sara Barnes **MINUTES OF MEETING:**
November 16, 2018
APPEARANCE AGAINST: None
PREMISES AFFECTED: 3259 N. Racine Avenue

NATURE OF REQUEST: Application for a variation to reduce the minimum lot area per dwelling unit from 1,000 to 993.32 (which is less than 10%) for a proposed three-story, three dwelling unit building.


ACTION OF BOARD-
Continued to December 21, 2018 at 2:00 p.m.

THE VOTE

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DEC 24 2018
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Mary Ann Hoey **CAL NO.:** 505-18-Z
APPEARANCE FOR: Same as Applicant **MINUTES OF MEETING:**
November 16, 2018
APPEARANCE AGAINST: None
PREMISES AFFECTED: 3620 N. Magnolia Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 34.65' to 1.05', north from 2.4' to 0.35', combined side setback from 6' to 0.35' for an open stairs with north side solid wall to the existing roof deck of the garage, a raised terrace, one and two story side additions with canopy for the existing two-story, single family residence.

**ACTION OF BOARD-
VARIATION APPROVED**

THE VOTE

RECEIVED

DEC 24 2018

CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
		X
X		

THE RESOLUTION:

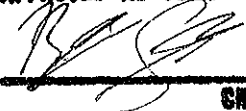
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 21, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 7, 2018; and

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 1.05', north to 0.35', combined side setback to 0.35' for an open stairs with north side solid wall to the existing roof deck of the garage, a raised terrace, one and two story side additions with canopy for the existing two-story, single family residence; an additional variation was granted to the subject property in the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Jester Properties, LLC
APPEARANCE FOR: Barry Ash
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1709 N. Kedzie Avenue

CAL NO.: 331-18-S

MINUTES OF MEETING:
November 16, 2018

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-
Continued to January 18, 2018 at 9:00 a.m.

THE VOTE

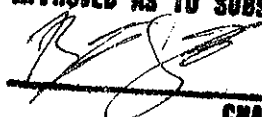
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DEC 24 2018

CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: William J. Deakin Trust and Lis M. Diehlmann Trust

CAL NO.: 404-18-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
November 16, 2018

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1848 N. Lincoln Avenue

NATURE OF REQUEST: Application for a variation to reduce the front feature setback from the required 20' to 9.87', front setback from 11.22' to 9.87', north and south setback from 2' to zero, combined side setback from 5' to zero and the open space along the north and south end of the lot from 5' to zero on each side for a proposed attached garage with roof deck, open stairs, roof top stair/ elevator enclosure and roof deck.

ACTION OF BOARD-

Continued to December 21, 2018 at 2:00 p.m.

THE VOTE

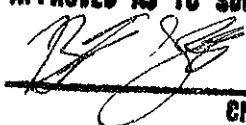
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DEC 24 2018

CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Unity Parenting and Counseling, Inc. **CAL NO.:** 428-18-S
APPEARANCE FOR: Nicholas Ftikas **MINUTES OF MEETING:** November 16, 2018
APPEARANCE AGAINST: None
PREMISES AFFECTED: 7955-59 S. Ashland Avenue
NATURE OF REQUEST: Application for a special use to establish a temporary overnight shelter.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

RECEIVED

 DEC 24 2018

 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

BLAKE SERCYE
 SHAINA DOAR
 SOL FLORES
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

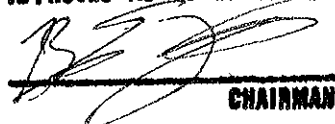
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on September 21, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on September 7, 2018; 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 temporary overnight shelter; 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 Unity Parenting and Counseling, Inc. and provided the development is consistent with the design and layout of the site plan dated July 26, 2018, as well as the floor plan dated November 7, 2018, all prepared by Huron Design Group.

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 2805 Eastwood, LLC

CAL NO.: 528-18-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
November 16, 2018

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2805 W. Eastwood Avenue

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 54.417' to 28.093', east setback from 4' to 3' (west to be 4'), combined side setback from 9' to 7', rear setback from 33.60' to 28.093', rear yard open space from 400 square feet to 268 square feet for a proposed two-story, single family residence.

ACTION OF BOARD-
Continued to December 21, 2018 at 2:00 p.m.

THE VOTE

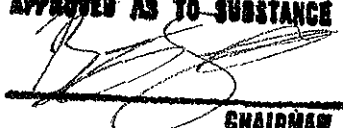
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DEC 24 2018

**CITY OF CHICAGO
ZONING BOARD OF APPEALS**

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



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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
John J. ...
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

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.

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.

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).

- 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).

- 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).

- 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

APPLICANT: Maquella Management, LLC **CAL NO.:** 537-18-S
APPEARANCE FOR: Sara Barnes **MINUTES OF MEETING:**
November 16, 2018
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.

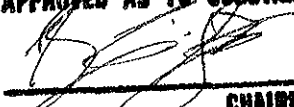
ACTION OF BOARD-
Continued to January 18, 2018 at 9:00 a.m.

THE VOTE

RECEIVED
DEC 24 2018
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Maquella Management, LLC
APPEARANCE FOR: Sara Barnes
APPEARANCE AGAINST: None
PREMISES AFFECTED: 5252 S. Archer Avenue

CAL NO.: 538-18-S

MINUTES OF MEETING:
November 16, 2018

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.

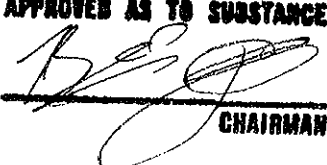
ACTION OF BOARD-
Continued to January 18, 2018 at 9:00 a.m.

THE VOTE

RECEIVED
DEC 24 2018
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



RECEIVED

FEB 19 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

Montana-Lincoln Park, LLC
APPLICANT

**543-18-Z, 544-18-Z
& 545-18-Z**
CALENDAR NUMBERS

936 W. Montana Street
PREMISES AFFECTED

November 16, 2018
HEARING DATE

ACTION OF BOARD

THE VOTE

The applications for the variations are approved.

Blake Sercye
Shaina Doar
Sol Flores
Sam Toia
Amanda Williams

AFFIRMATIVE	NEGATIVE	ABSENT
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**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE VARIATION APPLICATIONS FOR 936 W.
MONTANA BY MONTANA-LINCOLN PARK, LLC**

I. BACKGROUND

Montana-Lincoln Park, LLC (the "Applicant") submitted variation applications for 936 W. Montana (the "subject property"). The subject property is currently zoned RM-5 and is currently improved with three residential buildings. The Applicant proposes to raze these buildings and redevelop the subject property with a new four-story building that will contain eight residential dwelling units (the "proposed building"). The proposed building will have an attached garage for nine cars, which garage will be accessed from the public alley at the rear of the subject property. To permit the proposed building, the Applicant sought variations to: (1) reduce the front setback from the required 11.22' to 8', reduce the west side setback from 6' to 0', reduce the east side setback from 6' to 0', reduce the combined side setback from 15' to 0' and reduce the rear setback from 34.5' to 1'; (2) increase the maximum height from 47' to 49.83', which is not more than 8.15% increase of the allowable height; and (3) relocate the required rear yard open space to the roof of the proposed attached garage.

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 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 managing member Mr. Mike Heyse and the Applicant's attorney Mr. Nicholas Ftikas were present. The Applicant's architect Mr. Bill Kokalias was also present. Testifying in opposition to the applications were Mr. Stuart Hersh, Mr. David Kinneer, Ms. Deborah Brown, Mr. Keith Borchers, Ms. Leah Whittaker, Ms. Madhori Mann, and Mr. Rahul Mann. 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. Nicholas Ftikas advised the ZONING BOARD OF APPEALS that the Applicant had amended its plans and no longer required a garage setback reduction. It then submitted and the ZONING BOARD OF APPEALS accepted into the record the Applicant's amended plans.

The Applicant's managing member Mr. Mike Heyse testified that the Applicant owned the subject property. He testified that the subject property was currently improved with three, two-and-a-half story residential buildings. He testified that the Applicant proposed to raze these three buildings and redevelop the subject property with a single four-story, eight dwelling unit building. He testified that the subject property measured 75' wide by 115' deep. He testified that the subject property was therefore approximately 10' shorter than a standard City lot. He testified that he met with both the Wrightwood Neighbors Association as well as with neighbors of the subject property to discuss the Applicant's proposed building. He testified that the Applicant's amended plans were the result of this meeting.

The Applicant's project architect Mr. Bill Kokalias testified that he was a licensed architect in the state of Illinois and had designed the Applicant's proposed building. He testified that with respect to request for the front setback reduction, the request was so that proposed building could be lined up with the face of the building next east (excluding the bay window of said building which projected further than the proposed building). He testified that the request for the side setback reductions were due to the attached garage. He testified that the four-story portion of the proposed building was designed to provide 5'4" setbacks on both the east and west sides of the proposed building. He testified that the current residential building on the west of the subject property was actually on the subject property's property line. He testified that therefore the proposed building would be an improvement to this existing condition. He testified that the residential building on the west of the subject property also extended about 80' back on the lot. He testified that the Applicant's request for a rear setback reduction will allow the Applicant to attach the garage to the proposed building. He testified that the proposed rear building wall and garage will be set back a little over 2' from the alley. He testified that the plan for the proposed building actually maintains a 35' setback from the

four-story portion of the proposed building and the rear lot line. He testified that this 35' setback exceeds the technical rear yard setback requirement.

Mr. Kokalias testified that with respect to the Applicant's request for a height increase, said request was necessary because it allowed the Applicant to line up the first floor of the proposed building with the first floor of the attached garage. He testified that if the Applicant were not granted the height increase, there would be a ceiling height of less than 8' in certain places. He testified that the height increase was a technical increase of 6%.

Mr. Ftikas then stated that revised plans had lowered the height of the attached garage. He stated that the said garage was now lower than the neighboring garage at 942 W. Montana. He reiterated that the proposed building's 5'4" side setback would be an improvement to the existing condition of the subject property. He testified that the proposed building's front terraces have also been adjusted in the revised plans to allow for a bit more light and transparency. He stated that such changes had been specifically requested by the neighbors of the subject property.

Mr. Stuart Hersch, of 937 W. Montana, testified in opposition to the applications. He testified that he believed that the Applicant was "exceed[ing] every dimension" and that to allow the variations would allow other developers to "exceed" on this portion of West Montana.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Hersch further testified that the Applicant should have considered the substandard lot size prior to purchasing the subject property. He further testified that he believed the Applicant should create plans that are sized to the subject property.

Ms. Leah Whittaker, of 942 W. Montana, testified in opposition to the applications. She testified that as she lived in a lower level dwelling unit, she was concerned about the light. She testified that she appreciated all the changes the Applicant had made to its proposed plans but wanted assurance that only the attached garage would have a 0' side setback and that the rest of the Applicant's proposed building would indeed have a 5'4" side setback.

The ZONING BOARD OF APPEALS stated that the Applicant's revised plans did indeed show a 5'4" side setback.

Mr. Ftikas stated that the Applicant did provide testimony that only the attached garage would have a 0' side setback and that the rest of the Applicant's proposed building would maintain a 5'4" side setback. He stated that such setback was shown on the Applicant's revised plans.

The ZONING BOARD OF APPEALS then stated that said revised plans were part of its record.

Mr. David Kinnear, 946 W. Montana, testified that while he appreciated the changes the Applicant had made to the proposed building, he still opposed the requests for variations. He testified that he believed the Applicant's proposed building was oversized and threatened to fundamentally alter the quality of life in the neighborhood. He testified that he believed the proposed building would dwarf older residences and create a canyon effect. He testified that he believed the height and extended footprint of the Applicant's proposed building would interfere with privacy and block light, air and views from neighboring properties.

The ZONING BOARD OF APPEALS stated that it expected to hear testimony from the Applicant on these points when the Applicant had an opportunity to re-direct its witnesses.

Ms. Deborah Brown, of 921 W. Altgeld, testified in opposition to the applications. She testified that she was concerned about the size of the proposed building as it went quite close to the lot lines. She testified that she was concerned about the fact the alley is currently littered with garbage cans and that when it snows, there will be even less room to put the snow.

Mr. Rahul Mann, of 919 W. Altgeld, testified in opposition to the applications. He testified that he objected for all of the reasons stated by his fellow objectors.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Kokolias further testified that the subject property is comprised of three lots. He testified that within these lots the Applicant could build up to fifteen (15) dwelling units. He testified that the Applicant wanted to make a larger, elevator building where everything was not so congested. He testified that if the Applicant were to build a building on each lot, the Applicant would need to leave 2' on one side and 2.5' on the other side. He testified that when designing the proposed building, the Applicant had wanted to be sensitive to its neighbors and so it provided a 5'4" on each side of the residential tower of the proposed building. He testified that typically with buildings the size of the proposed building, there is a 3-4' side setback.

He then testified that as the attached garage is an enclosed garage, it is not a 15' high garage. He testified that the alley at the rear of the subject property was very tight. He testified that all of the neighboring properties had roof decks and 15-22' high garages. He testified that the Applicant's proposed garage is only 12'8" high. He testified that as the Applicant was not building three separate buildings, there would not be three separate 24' wide garage doors at the rear of the subject property. He testified that instead there would be only one garage door at the rear of the subject property. He testified that if the Applicant were to build three buildings such as the building next west to the subject property, there would be three abutting garages with three driveways. He testified that this would be chaos just like the rest of the alley. He testified that instead the Applicant is only proposing one garage door and that the Applicant has designed the proposed building so that the trash enclosures are inside. He testified that as some of the neighbors were worried about the trash enclosure door being kicked in, the Applicant will be

putting in a steel overhead door. He testified that when one entered the proposed garage, one would actually go down about a foot as the Applicant would be lowering its garage. He testified that this is why the garage is only 12'8" high.

He then testified that as shown by the revised plans, the Applicant is reducing the height of the parapet wall so that the height of the proposed building matches that of the neighbor next west. He testified that there is also a sister building of the proposed building one door down from the subject property and that said sister building is nearing completion.

The ZONING BOARD OF APPEALS summarized Mr. Kokalias' testimony and then stated that it wished to hear more from the Applicant about the character of the neighborhood. It stated it also wished to hear more from the Applicant with respect to the subject property's reasonable rate of return.

Mr. Ftikas stated that the Applicant sought the requested variations in order to both better fit the proposed building on the subject property and overcome the fact that the subject property is only 115' deep. He stated that if the subject property were a 125' deep lot, the Applicant might not need the requested variations. He stated that the requested variations are therefore to overcome the substandard lot depth and are not exclusively to profit from the proposed development of the subject property. He stated that the subject property is zoned RM-5 with 8,625 square feet. He stated that the subject property can support twenty-one (21) residential dwelling units. He stated that the Applicant is attempting to provide something different in the housing market by producing eight (8) larger residential dwelling units (as opposed to a series of 4-flats and 3-flats). He reiterated that the Applicant's requests for variations were to overcome the substandard lot depth of the subject property. He stated that the missing 10' of lot depth is actually 750 square feet of lot area and that most architects can do a lot with an additional 750 square feet.

Mr. Kokalias then testified that the Applicant's proposed building was the same height as the building at 923 W. Montana. He testified that the buildings across the street from the subject property at 947-949 W. Montana are four-and-a-half story buildings. He testified that some of the buildings across the street from the subject property have less front yard setback than what the Applicant is requesting. He testified that he believed both 947 and 949 W. Montana had only a 3' side setback. He then presented and the ZONING BOARD OF APPEALS accepted into the record photographs of nearby property, including 942 and 947-949 W. Montana.

The ZONING BOARD OF APPEALS then asked those in objection what neighborhood character they thought the Applicant's proposed building would deteriorate. It stated that based on the photographs provided by Mr. Kokalias, the neighborhood appeared to be a bit of a mix between larger properties such as the subject property and smaller properties.

Mr. Kinnear testified that he agreed that the neighborhood had a mix of building types but questioned why only newer construction buildings in the neighborhood were being submitted as evidence.

The ZONING BOARD OF APPEALS stated that was a fair question and asked Mr. Kinnear if he had any photographs of the neighborhood he would like to submit into the record.

In lieu of submitting photographs, Mr. Hersh testified that his house at 937 W. Montana was directly across the street from the subject property. He testified that his home was a workman's cottage built in 1870. He testified that his home was the only workman's cottage on the street. He testified that he was fine with that no one would build such a home today. He testified that the other new buildings in the neighborhood had been built, so far as he knew, without any variations. He then asked the Applicant if the Applicant had been misled in buying the subject property and if the Applicant had not known the subject property was only 115' when the Applicant had purchased the subject property.

Mr. Ftikas stated that he had had this debate before the ZONING BOARD OF APPEALS on other applications. He stated that if an applicant is presumed to take the risk in purchasing a substandard lot, that same applicant is also presumed to know that said lot is not a standard (25' wide x 125' deep) lot under the Chicago Zoning Ordinance. He stated that consequently, a variation from the ZONING BOARD OF APPEALS is an option that is available to an applicant. He stated that this does not guarantee that an applicant is entitled to a variation. He stated that, instead, when one has a lot that is not a standard lot it instead gives one the hope that a variation is possible. He stated that in this particular instance, the Applicant did its best to fit the proposed building into the pattern of development of the newer construction in the area. He stated that he believed Mr. Kokolias' photographs confirmed this. He stated that the Applicant had made some good-faith efforts to work through concerns raised by the neighbors.

Mr. Ftikas then returned to his earlier point: namely, that the subject property is zoned RM-5 and can support twenty-one (21) residential dwelling units. He stated that the Applicant's proposed building is a more appropriate design from a massing standpoint. He stated that the Applicant was also providing nine (9) parking spaces for eight (8) dwelling units which is an anomaly compared to most developers.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Ftikas stated that while the Applicant would produce a return on the subject property, it was not attempting to maximize the return on the subject property. He stated that if the Applicant built three (3) as-of-right buildings on the subject property, it would make a greater return. He stated that the managing member of the Applicant is building the proposed building for himself.

Mr. Heyse then testified that he had previously lived in the neighborhood at 917 W. Altgeld. He testified that he believes the neighborhood is in great need of the Applicant's

proposed building as a lot of older people leave the neighborhood due to its lack of small-scale, elevator buildings. He testified that he believes there are many older, empty-nesters like himself that would like to stay in the same neighborhood that their children and grandchildren currently live in. He testified, however, that these older empty-nesters want small-scale units that have elevators and indoor parking. He testified that there is currently nothing like the proposed building being developed in this portion of Lincoln Park. He testified that this is not a return-oriented deal for the Applicant because if the Applicant put more units on the subject property, the Applicant could make a lot more money. He testified, however, that he is very much aware of the congestion in the area, especially with respect to on-street parking. He testified that this is why the Applicant is providing so much on-site parking. He testified that he understands the snow and the trash in this area as 917 W. Altgeld did not have an indoor trash receptacle. He testified that he was the one who had to move the cans on garbage day at 917 W. Altgeld and is therefore sensitive to the issue. He testified that having an indoor trash receptacle with private garbage pick-up is the best thing for the tight alley at the rear of the subject property. He testified that the Applicant's proposed building would therefore be improving the alley. He testified that the single garage door at the rear of the proposed building would allow for more snow storage than three as-of-right garages.

In response to this, Ms. Brown testified that she now agreed that the Applicant's proposed building is a unique and necessary building for the neighborhood but that she did not understand why the Applicant could not build a small-scale elevator building without seeking variations.

In response to this, Mr. Kokolias testified that if the Applicant had a 125' deep lot, the Applicant would not have an attached garage. He testified that instead, the Applicant would have a detached garage such as the garage at 942 W. Montana. He testified that by connecting the garage, the Applicant had lowered the garage as one entered it. He testified that to have living space over the garage, the Applicant needed the variation for the height increase. He testified that this height increase is therefore in the back of the proposed building and therefore one would not see it if one were walking down the street. He testified the proposed building would be the same height as the building at 942 W. Montana.

Ms. Brown stated she did not believe this responded to her question.

The ZONING BOARD OF APPEALS stated while Ms. Brown's questions were valid, the issue was that when an architect made certain decisions, certain provisions of the Chicago Zoning Ordinance were automatically triggered. It stated that this triggering was not necessarily intuitive and often became a puzzle for an architect as he or she designed a building. It stated that while it may seem totally logical to say "just make an elevator building that does so-and-so" the reality of the Chicago Zoning Ordinance often interferes with this. It stated that this is why it asked Mr. Kokolias to testify as to what could be built as-of-right on the subject property.

B. Criteria for a Variation

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

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

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

III. FINDINGS OF FACT.

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

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

The subject property is only 115' deep. This is in contrast to a standard City lot which has a 125' lot depth. The subject property is therefore a short lot. The subject property is zoned RM-5 and can therefore support up to twenty-one (21) residential dwelling units. The Applicant proposed to build eight (8) residential dwelling units. Due to the short lot depth, the Applicant does not have enough room to provide a detached garage.¹ The Applicant therefore proposed to build a building with an attached garage on the subject property. This attached garage required reductions to the rear yard setback, relocation of the rear yard open space and an increase in the maximum height of the proposed building. Due to the short lot depth, the Applicant also required reductions to the front and side yard setbacks for its proposed building. Based on all of the above, strict compliance with the regulations and standards of the Chicago Zoning Ordinance would create practical difficulties for the subject property.

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

As Mr. Heyse very credibly testified, the requested variations maintain a range of housing choices and options pursuant to Section 17-1-0512 of the Chicago Zoning Ordinance. The Applicant proposes to provide a small-scale elevator building for those older, empty-nesters that wish to remain in the neighborhood. Further, the requested variations protect the character of the established residential neighborhood as set forth in Section 17-1-0503 of the Chicago Zoning Ordinance.

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

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

As Mr. Heyse very credibly testified, the Applicant proposes to provide dwelling units for older, empty-nesters such as Mr. Heyse that wish to remain in the neighborhood. Reasonable rate of return is, therefore, in this instance about livability as the Applicant is marketing the dwelling units to a certain type of Lincoln Park resident that would otherwise likely leave the neighborhood. Therefore, without the proposed variations, the property in question cannot yield a reasonable return.

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

¹ The Chicago Zoning Ordinance requires that all multi-unit buildings provide one parking space per dwelling unit. See Section 17-10-207-C of the Chicago Zoning Ordinance.

The practical difficulties necessitating the variations are due to the short lot depth of the subject property. This short lot depth is a unique circumstance that is not generally applicable to other residential property in the City.

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

The variations, if granted, will allow the Applicant to construct the proposed building. The proposed building is an all-residential building in a residential neighborhood. As shown by Mr. Kokalias' photographs of comparable buildings in the neighborhood, it matches the pattern of newer development in the neighborhood. Further, the height of the proposed building will match the height of the building next west at 942 W. Montana. The front setback of the proposed building will match the front setback of the building next east of the subject property. The rear yard setback reduction will allow the Applicant to build an attached garage which, as Mr. Heyse and Mr. Kokalias both credibly testified, will ensure that the conditions of the rear alley do not worsen. The 0' side setbacks will only be applicable for the attached garage. The remainder of the proposed building will have 5'4" side yard setbacks. These 5'4" side yard setbacks are not only an improvement on the existing condition of the subject property but also greater side yard setbacks than other buildings in the neighborhood. The neighboring properties all have garage roof-decks so the relocation of the rear yard open space to the roof deck of the Applicant's proposed building is not out of character with 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.*

As noted above, the subject property is only 115' deep. Therefore, the shape of the subject property would result in particular hardship upon the Applicant as distinguished from mere inconvenience, if the strict letter of the regulations were carried out.

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

The subject property's short lot is a condition not applicable, generally, to other property within the RM-5 zoning classification.

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

As Mr. Heyse testified, the Applicant is building the proposed building to provide dwelling units for a certain type of Lincoln Park resident. This – and not an exclusive desire to make more money out of the subject property – is the purpose of the variations.

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 subject property's substandard lot depth.

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

The variations will allow the Applicant to erect the proposed building. As shown by the Applicant's renderings of the proposed building, the proposed building will not be detrimental to the public welfare or injurious to other property or improvements in the area. The proposed building is of an appropriate design from a massing standpoint and despite the setback reductions, it ensures there is adequate space between it and its neighboring buildings so that there is adequate light and air to the adjacent properties. The Applicant – as very credibly testified to by both Mr. Heyse and Mr. Kokalias – took special care to ensure that the Applicant's attached garage will not place any more stress on an already congested alley.

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.*

Granting the variations will not impair an adequate supply of light and air to adjacent properties. Although the Applicant requested a 0' side setback reduction, such setback reduction is solely for the garage. The majority of the proposed building will be set back 5'4" from the side property lines. The reduction to the rear setback is again solely for the garage and therefore there will only be a reduced setback on the first floor. Further, the garage itself is lower than the typical 15' high garage and is instead 12'8" high. Floors two through four of the proposed building will be set back 35' from the rear property line, which actually exceeds the technical rear setback on the subject property. Relocating the rear yard open space will also not impair an adequate supply of light and air as the rear yard open space will be relocated to the top of the one-

story garage roofdeck. The front setback reduction will also not impair an inadequate supply of light and air as the Applicant made sure its front terraces allowed for more light and transparency. As the Applicant will be providing nine on-site parking spaces for eight residential dwelling units, the variations will not increase congestion in the public streets. The variations will not increase the danger of fire or endanger the public safety. Further, as the variations are needed to build the proposed building, the property values in the neighborhood will not be decreased and will instead likely be increased due to the all-new construction.

IV. CONCLUSION

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

The ZONING BOARD OF APPEALS hereby approves the Applicant's applications for variations, and the Zoning Administrator is hereby 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: Glazier Project, LLC-Bridgeport **CAL NO.:** 570-18-S
APPEARANCE FOR: Bridget O'Keefe **MINUTES OF MEETING:**
November 16, 2018
APPEARANCE AGAINST: None
PREMISES AFFECTED: 3100-3110 S. Halsted Street

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

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

RECEIVED

DEC 24 2018

 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

BLAKE SERCYE
 SHAINA DOAR
 SOL FLORES
 SAM TOIA
 AMANDA WILLIAMS

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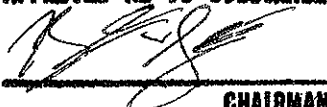
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 19, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 5, 2018; 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 restaurant; a related variation was granted to 3102 S. Halsted Street in Cal. No. 571-18-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 Glazier Project, LLV-Bridgeport and the development is consistent with the design and layout of the plans and drawings dated September 19, 2018, including the site and landscape plans dated October 15, 2018, all prepared by Arcon Associates, Inc.

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Glazier Project, LLC-Bridgeport **CAL NO.:** 571-18-Z
APPEARANCE FOR: Bridget O'Keefe **MINUTES OF MEETING:**
November 16, 2018
APPEARANCE AGAINST: None
PREMISES AFFECTED: 3102 S. Halsted Street

NATURE OF REQUEST: Application for a variation to reduce the 18 linear feet of landscape setback along 31st Street from the required 7' to 3'-8".

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

RECEIVED

DEC 24 2018
CITY OF CHICAGO
ZONING BOARD OF APPEALS

BLAKE SERCYE
SHAINA DOAR
SOL FLORES
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
RECUSED		
X		
X		
RECUSED		
X		


THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on October 19, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 5, 2018; 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 18 linear feet of landscape setback along 31st Street to 3'-8"; a related special use was granted to 3100-3110 S. Halsted Street in Cal. No. 570-18-S; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

CHAIRMAN