

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



JUL 19 2016
CITY OF CHICAGO

Harlem 2016, LLC
APPLICANT

238-16-S
CALENDAR NUMBER

**6340 N. Harlem Ave/6340 N. Northwest
Highway**
PREMISES AFFECTED

June 17, 2016
HEARING DATE

Sanford Stein
APPEARANCE FOR APPLICANT

Barb Graczyk
OBJECTOR

NATURE OF REQUEST

Application for a special use permit to permit the establishment of a drive-through to service a restaurant building.

ACTION OF BOARD

THE VOTE

The application for a special use is approved.

	APPROVE	DENY	ABSENT
Blake Sercye, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sol Flores	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sheila O'Grady	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Toia (recused)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Amanda Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

THE RESOLUTION OF THE BOARD

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on June 17, 2016, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance ("Zoning Ordinance") and by publication in the *Chicago Sun-Times*; and

WHEREAS, Mr. Sanford Stein, counsel for the Applicant, summarized the facts of the history of the affected property and explained the underlying basis for the relief sought; and

WHEREAS, Mr. Lee Wolfson testified on behalf of the Applicant; that the Applicant had multiple meetings with the City's Department of Planning and Development ("Department"); that the Department gave the Applicant wonderful input on the development of the site and helped the Applicant revise its plans; and

APPROVED AS TO SUBSTANCE

CHAIRMAN

WHEREAS, Mr. Thad Gleason, the Applicant's architect, testified on behalf of the Applicant; that the Applicant had designed the site so that there would be access to the site off of both Harlem Avenue and Northwest Highway; that the Harlem Avenue entrance would be only right-turn in/right-turn out; that the site is bounded on the south by railroad tracks and the east by a Commonwealth Edison substation; that the proposed Starbucks restaurant will be along the east property line so that the proposed drive-through will wrap around to the east; that the proposed building will shield the drive-through from the rest of the community; that the building will be all masonry construction; and

WHEREAS, Mr. Michael Caldwell testified on behalf of the Applicant; that Mr. Caldwell's credentials as an expert in civil and traffic engineering were acknowledged by the Board; that he then testified as to the ingress and egress to the subject property as well as traffic circulation within the site and car stacking for the proposed drive-through; that with respect to car stacking, the proposed plan of development provides more than the normal amount of stacking for a drive-through; that pedestrian access to the site meets both ADA and City requirements; that there is pedestrian access to the site from both Harlem Avenue and Northwest Highway; that the proposed site is what is known as a convenience site; that a convenience site takes existing traffic off of the roadways rather than add additional traffic; and

WHEREAS, Mr. Steve Valenziano, staff member of the Department, testified in support of the application; that the pedestrian access is mainly from Northwest Highway; that the Department worked with Applicant and the Alderman to create a speed table across the drive-through lane to meet the standard for pedestrian safety and comfort that is required for the proposed special use; that the proposed speed table will use different material and will have a different demarcation so that cars have to slow down when driving across; and

WHEREAS, Mr. Andrew Zall, the store development manager for Starbucks, testified in support of the application; that Starbucks hours of operation at the proposed site will be: 5:00 AM – 9:00/9:30 PM; that Starbucks looks to be part of the neighborhood in all of its locations and will try to target underserved youth in the neighborhood as employees; and

WHEREAS, Mr. Steve Lenet testified on behalf of the Applicant; that Mr. Lenet's credentials as an expert in land planning were acknowledged by the Board; that he has visited the subject property and the surrounding area; that in his opinion: (1) the proposed special use is in the interest of the public convenience and will not have an adverse impact on the general welfare of the neighborhood as the site is currently vacant and therefore the proposed development will have a very positive impact on the neighborhood; (2) is compatible with the surrounding area in terms of site planning and project design; (3) is compatible with the surrounding area in terms of operating characteristics, such as hours of operation and traffic generation; and (4) is designed to promote pedestrian safety and comfort as special considerations have been made to

ensure access to this site is well designed and in the interest of safety for the pedestrian public; and

WHEREAS, Mr. Stein submitted and the Board accepted into the record a report from CohnReznick LLP, a letter of support from the Norwood Park Chamber of Commerce and Industry and a letter of support from the Edison Park Chamber of Commerce; and

WHEREAS, Mr. Christopher Vittorio, Chief of Staff to Alderman Napolitano, testified in support of the application; that the subject property has been vacant and an eyesore for the past several years; that Alderman Napolitano and the community are very excited for the proposed development at the subject property; and

WHEREAS, Ms. Barb Gracyzk, of 6400 N. Northwest Highway, testified in objection to the application; that she was concerned about traffic flow for the proposed site; that the site has not been vacant for the past several years; and

WHEREAS, in response to the concerns about traffic flow raised by Ms. Gracyzk, Mr. Caldwell further testified that any traffic engineering done prior to the Applicant's project would have been done by the Illinois Department of Transportation ("IDOT") and the City's Department of Transportation ("CDOT"); that the Applicant has ensured it is far enough away from the train tracks so that it will be a free-flowing site; that there will be no left turns allowed out of the site on Harlem Avenue so that the proposed special use will not block Harlem Avenue in any way at all; that the Applicant has approval from both IDOT and CDOT with regard to the access points in and out of the site; and

WHEREAS, the staff of the Department of Planning and Development recommended approval of the proposed special use; now, therefore,

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

1. The proposed special use complies with all applicable standards of this 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 community as the site is currently vacant and therefore the proposed development will have a very positive impact on the neighborhood.
3. The proposed special use is compatible with the character of the surrounding area in terms of site planning and building scale and project design because the building will shield the proposed special use from the rest of the community.

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 because great care has been taken to ensure that there is appropriate ingress and egress to the site as well as traffic flow within the site.
5. The proposed special use is designed to promote pedestrian safety and comfort as evidenced by the proposed speed table that will be built.

RESOLVED, the Board finds that the Applicant has proved its case by testimony and evidence covering the five specific criteria of Section 17-13-0905-A of the Chicago Zoning Ordinance.

RESOLVED, the aforesaid special use application is hereby approved, and the Zoning Administrator is authorized to permit said 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
121 North LaSalle Street
Chicago, Illinois 60602
TEL: (312) 744-3888



JUL 19 2016

CITY OF CHICAGO

2641 N. Racine, LLC

APPLICANT

239-16-Z

CALENDAR NUMBER

2641 N. Racine Ave.

PREMISES AFFECTED

June 17, 2016

HEARING DATE

Tom Moore

APPEARANCE FOR APPLICANT

Brian Costello

OBJECTOR

NATURE OF REQUEST

Application for a variation to reduce the rear setback from 36.68' to 3.6'; to reduce the south side yard setback from 2' to 0'; and to reduce the combined side setback from 4.8' to 0' for a proposed open stair to access a roof top deck for an existing garage.

ACTION OF BOARD

THE VOTE

The application for a variation is approved.

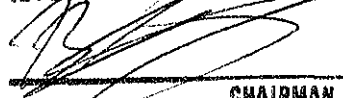
	APPROVE	DENY	ABSENT
Blake Sercye, Chairmain	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sol Flores	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sheila O'Grady	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Amanda Williams	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

THE RESOLUTION OF THE BOARD

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on June 17, 2016, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance ("Zoning Ordinance") and by publication in the *Chicago Sun-Times*; and

WHEREAS, Mr. Gregory Bates testified on behalf of the Applicant; that he is a developer in the Lincoln Park and Lakeview areas; that the Applicant is developing the subject property with a single-family dwelling unit; that the Applicant obtained a building permit and built the home as of right; that subsequently, the Applicant amended its permit to request the stairs to get to the garage roof-deck; that this was due to the Board being backed up at the time the Applicant went for the original permit; that the garage roof-top deck is permitted as of right; that however, the Applicant needs stairs to reach the garage roof-top deck; that while a hatch could be put in the roof of the garage and the garage

APPROVED AS TO SUBSTANCE


CHAIRMAN

roof-top deck could be accessed via ladder, this is very difficult for women in skirts, children and older people to access the garage roof-top deck; that stairs are much better; that there are other decks with stairs on this particular block; that it would be an economic hardship if the Applicant could not obtain the requested variation; that the true hardship is that the deck is permitted but the way to access the deck is not permitted; that Alderman Smith is neutral on the Applicant's application; that Mr. David Collins of 2645 N. Racine has no objection to the Applicant's application; that the neighborhood committee wished for the Applicant to create green space on top of the garage as well as have a specific place to put garbage; and

WHEREAS, Mr. Moore, counsel for the Applicant, submitted to the Board the Applicant's revised plans showing green space on top of the garage roof-top deck and the specific place to put the garbage; and

WHEREAS, Mr. Bates further testified that he had attempted to contact Mr. Brian Costello; that Mr. Costello is the neighbor next south of the subject property; that Mr. Costello has a building on the back of the lot; that although the Applicant could have built the garage all the way to the lot line, the Applicant wanted to accommodate Mr. Costello; that therefore, the Applicant has pulled the garage back from the south lot line of the subject property and instead will put the stairs to the garage roof-deck on the side of the property nearest Mr. Costello's building; that this creates an additional three (3) feet of light and air between the Applicant's garage and Mr. Costello's building; that the proposed variation will not: (1) affect the light or air; (2) create fire or danger; and (3) fit into the character of the neighborhood; and

WHEREAS, in response to questions by the Board, Mr. Moore explained that while the house on the subject property was built the garage roof-top deck was not yet built; and

WHEREAS, Mr. John Hanna testified on behalf of the Applicant; that the Board recognized his credentials as an expert in architecture; that he then testified that the garage was originally permitted with a roof-top deck with a stair inside the garage; that due to Mr. Bates' desire to be a good neighbor, the Applicant subsequently amended its permit to pull in the garage so that there is more light and air between the Applicant's garage and Mr. Costello's building with the stair outside the garage; that the proposed variation will fit into the character of the neighborhood; that the proposed variation will not have any negative effect on the surrounding properties; that there is a right to build the garage all the way to the south lot line; that there is also a right to build the garage roof-top deck; that the only issue is the stairs; that by moving the garage away from the south property line and moving the stairs, the Applicant is creating an architectural advantage to Mr. Costello's property; that this change also creates more light and air and lessens the possibility of fire; that the properties next north and next south of the subject property both have roof-top decks; that the property next north has a roof-top deck atop the garage; that Mr. Costello has a roof-top deck atop his coach house; and

WHEREAS, the Board then accepted into the record true and accurate depictions of the roof-top decks in the immediate vicinity of the property as well as true and accurate depictions of Mr. Costello's coach house; and

WHEREAS, Mr. Brian Costello, owner of 2639 N. Racine, testified in objection to the application; that he objected to the stairs being next to his building; that he also objected to the narrowness of the garage setback; and

WHEREAS, in response to Mr. Costello's objections, Mr. Hanna further testified that the Applicant has made the garage as small as possible; that the Applicant is required by this Zoning Ordinance to have two (2) parking spaces; that pursuant to this Zoning Ordinance each parking space must be at least eight (8) feet wide; that the garage is 20' 11" wide; that this is a standard two (2) car garage; that there is a 3' wide stair next to the garage; that the Applicant could have proceeded building the garage to Mr. Costello's lot line and not provided the additional 3'; and

WHEREAS, in response to further questions by the Board, Mr. Hanna further testified that the proposed design fits within the character of the neighborhood; that this is typical of the proposed density of the neighborhood as seen in the Applicant's previously submitted exhibit showing other roof-top decks in the vicinity of the subject property; that there are ten (10) other roof-top decks within 100' to 150' of the subject property, including Mr. Costello's roof-top deck; and

WHEREAS, Mr. Costello further testified that he did not think there should be only 3.6' between the home and the garage; that there would be no back yard for the subject property; and

WHEREAS, Mr. Hanna testified that there would be 16' 9" between the house and the garage; and

WHEREAS, Mr. Moore stated that Mr. Costello did not understand that when there was a request for setback reduction, the Department of Planning and Development measured the setback reduction from the most reduced spot; that in this situation, the most reduced spot is where the end of the stairs will be; that all the Applicant is requesting is to put in a 3' stair on one side; and

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

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

1. The Board finds pursuant to Section 17-13-1107-A that the Applicant has proved its case by testimony and other evidence that strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property as the garage roof-top deck is permitted as of right under this Zoning Ordinance. Further, the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance as this Zoning Ordinance.

2. The Board finds pursuant to Section 17-13-1107-B that the Applicant has proved by testimony and other evidence that: (1) the property in question cannot yield a reasonable rate of return if permitted to be used only in accordance with the standards of this Zoning Ordinance because the Applicant can build the garage roof-top deck as of right but due to Mr. Costello's building being built on the lot line cannot access the garage roof-top deck without the requested variation; (2) the practical difficulty or particular hardship of the property – namely, the ability to build the garage roof-deck as of right but for Mr. Costello's building being built to the lot line – is due to unique circumstances and is not generally applicable to other similarly situated property; and (3) the variation, if granted, will not alter the essential character of the neighborhood as very credibly testified to by Mr. Hanna.

3. The Board, in making its determination pursuant to 17-13-1107-C that a practical difficulty or particular hardship did exist, took into account that evidence was presented that: (1) the particular topographical condition of the specific property involved – namely, the closeness of Mr. Costello's building to the lot line – would result in particular hardship upon the Applicant if the strict letter of the regulations were carried out; (2) the closeness of Mr. Costello's building to the lot line is not applicable, generally, to other property in the RT-4 zoning district; (3) the purpose of the variation is not based exclusively upon a desire to make more money out of the property; (4) the closeness of Mr. Costello's building to the lot line was not created by any person having an interest in the subject property; (5) the granting of the variation will not be detrimental to public welfare or injurious to other property and will in fact create more space between Mr. Costello's building and the Applicant's garage; 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.

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

RESOLVED, the aforesaid variation application is hereby approved, and the Zoning Administrator, is authorized to permit said variation.

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

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

APPLICANT: Indigo Dev LLC Series D

CAL NO.: 240-16-Z

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:
June 17, 2016

APPEARANCE AGAINST: None

PREMISES AFFECTED: 519 N. Hartland Court

NATURE OF REQUEST: Application for a variation to reduce the rear yard setback from 22.12' to 14.50', reduce the north and south setbacks from the required 2' to zero, reduce the required combined side yard setback from 4.6' to zero for an attached garage with an open stair to access the garage roof.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

JUL 19 2016
CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
		X

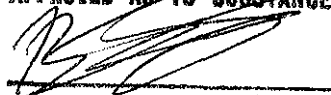
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 17, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 2, 2016 ; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear yard setback to 14.50', reduce the north and south setbacks to zero, reduce the required combined side yard setback to zero for an attached garage with an open stair to access the garage roof; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Indigo Dev LLC, Series D

CAL NO.: 241-16-Z

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:
June 17, 2016

APPEARANCE AGAINST: None

PREMISES AFFECTED: 521 N. Hartland Court

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 22.12' to 11.03', the south setback from 2' to zero, the total combined side setback from 4.6' to 2.5' for an attached garage and an open stair to access a garage roof top deck which shall contain the relocated rear yard open space.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

JUL 19 2016

CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
SAMTOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
		X

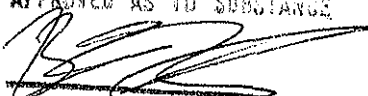
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 17, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 2, 2016 ; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 11.03', the south setback to zero, the total combined side setback to 2.5' for an attached garage and an open stair to access a garage roof top deck which shall contain the relocated rear yard open space; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 850 W. Wrightwood, LLC **CAL NO.:** 242-16-Z

APPEARANCE FOR: Thomas Moore **MINUTES OF MEETING:**
June 17, 2016

APPEARANCE AGAINST: None

PREMISES AFFECTED: 850 W. Wrightwood Avenue

NATURE OF REQUEST: Application for a variation to reduce the required rear setback from 37.5' to 22' for an open stair to access a roof top deck on an existing three-car garage.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

JUL 19 2016
CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
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 June 17, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on ; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the required rear setback to 22' for an open stair to access a roof top deck on an existing 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.


CHAIRMAN

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

APPLICANT: 2019 N. Racine, LLC

CAL NO.: 243-16-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
June 17, 2016

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2019 N. Racine Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 37.22' to 21.2' for an open stair to access a roof top deck which will be located on an existing three-car garage.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

JUL 19 2016
CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
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 June 17, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 2, 2016; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 21.2' for an open stair to access a roof top deck which will be located on an existing 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.


CHAIRMAN

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

APPLICANT: Peerless Capital Management LLC-MSC Series **CAL NO.:** 244-16-Z

APPEARANCE FOR: **MINUTES OF MEETING:**
June 17, 2016

APPEARANCE AGAINST:

PREMISES AFFECTED: 1540 N. Wieland Street

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 11.31' to 4.83', the side setbacks from the required 5.05' to 3.9' (0.41' on the south and 3.5' on the north), the front garage setback from 20' to 12', the rear setback from 26.39' to 0.58', an increase in the maximum height not to exceed 10% from 45' to 49.5' and to eliminate the required 124.96 square feet of rear yard open space to zero for a four-story, single family residence with indoor parking with front drive access off of North Weiland Street.

ACTION OF BOARD-
CASE CONTINUED TO AUGUST 19, 2016

THE VOTE

JUL 19 2016

CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
SAMTOIA
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: 3841 N Janssen, LLC

CAL NO.: 245-16-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
June 17, 2016

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3841 N. Janssen Avenue

NATURE OF REQUEST: Application for a variation to reduce the required rear setback from 53' to 24' for an open stair to access a garage roof top deck which will contain the relocated rear yard open space.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

	AFFIRMATIVE	NEGATIVE	ABSENT
BLAKE SERCYE	X		
SOL FLORES	X		
SHEILA O'GRADY	X		
SAMTOIA	X		
AMANDA WILLIAMS			X

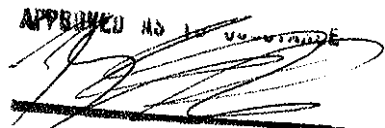
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 17, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 2, 2016 ; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the required rear setback to 24' for an open stair to access a garage roof top deck which will contain the relocated rear yard open space; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO FORM AND CONTENT

CHAIRMAN

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



JUL 19 2016

CITY OF CHICAGO

312 Pizza Ventures, LLC

APPLICANT

246-16-Z

CALENDAR NUMBER

1824-32 W. Division Street

PREMISES AFFECTED

June 17, 2016

HEARING DATE

Thomas Raines

APPEARANCE FOR APPLICANT

Howard Whitaker & Stella Zee

OBJECTORS

NATURE OF REQUEST

Application for a variation to permit the establishment of a public place of amusement license for an existing restaurant which is located within 125' of a RS-3 residential zoning district.

ACTION OF BOARD

THE VOTE

The application for a variation is approved.

	APPROVE	DENY	ABSENT
Blake Sercye, Chairmain	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sol Flores	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sheila O'Grady	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Toia (recused)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Amanda Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

THE RESOLUTION OF THE BOARD

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on June 17, 2016, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance ("Zoning Ordinance") and by publication in the *Chicago Sun-Times*; and

WHEREAS, Mr. Thomas Raines, counsel for the Applicant, explained the underlying nature of the relief sought; that the Applicant has applied for a public place of amusement license ("PPA") for the subject property; that but for the fact the subject property is within 125' of a residential district, the Applicant could obtain a PPA as of right; and

WHEREAS, Mr. Neil Rezni testified on behalf of the Applicant; that the Board recognized Mr. Rezni's credentials as an expert in real estate appraisal; that Mr. Rezni testified that he had visually inspected the subject property and the surrounding area and

APPROVED AS TO SUBSTANCE

CHAIRMAN

concluded that the proposed use of the property is compatible with other commercial uses along Division Street within the area; that the subject property housed an establishment prior to the Applicant's that had a PPA; that with respect to the area and conformity, the new PPA would be a continuation of the use that previously existed at the subject property; that it would be detrimental to the operation of the Applicant's business if it were not able to play music in such an environment; that there would be difficulties or practical hardships in the event that the occupancy had to be calculated on a 15 per square foot ratio rather than a 6 foot ratio; that the Applicant would not be able to achieve a reasonable rate of return without the requested variation; that other commercial uses on Division have entertainment; that the granting of this variation would not alter the essential character of the neighborhood; and

WHEREAS, Mr. Howard Whitaker, of 1211 Marion Court, testified in objection to the application; and

WHEREAS, Ms. Stella Zee, of 1211 Marion Court, testified in objection to the application; and

WHEREAS, in response to Mr. Whitaker's and Ms. Zee's objections, the Board explained that no notice was required for the Applicant's construction on the subject property as the construction was permitted under this Zoning Ordinance; that the only item before the Board was the Applicant's request for the PPA; that any rooftop patio would require a special use and that would require the Applicant to return to the Board; and

WHEREAS, Mr. Raines agreed that any rooftop patio would require that the Applicant make a new application to the Board; and

WHEREAS, Mr. Michael Bisbee, the managing member of the Applicant, testified on behalf of the Applicant; that the Applicant had another location; that at its other location, the Applicant manages its noise levels via decibel meters; that all of the Applicant's deliveries will be done via bicycle; that with respect to delivery of goods to the restaurant, the Applicant will use Division; that he then testified as to the Applicant's hours of operation; and

WHEREAS, 17-13-1101-M of the Chicago Zoning Ordinance grants the Zoning Board of Appeals authority to grant a variation allowing an establishment requiring a PPA to locate within 125' of any RS-1, 2, or 3 district; and

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

1. The Board finds pursuant to Section 17-13-1107-A that the Applicant has proved its case by testimony and other evidence that strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property as the subject property is zoned C1-2 and were it not for the fact of the residential zoning district within 125' of the variation, the Applicant could have a PPA by right and not need a variation. Further, the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance.

2. The Board finds pursuant to Section 17-13-1107-B that the Applicant has proved by testimony and other evidence that: (1) the property in question cannot yield a reasonable rate of return if permitted to be used only in accordance with the standards of the Zoning Ordinance as this area of Division has other commercial uses with entertainment, and it would be detrimental to the Applicant if it were not allowed to have entertainment as well; (2)) the practical difficulty or particular hardship of the property is the fact that the property is located within 125' of a RS-3 district which is not generally applicable other similarly situated property; (3) the variation, if granted, will not alter the essential character of the neighborhood as the establishment on the subject property prior to the Applicant also had a PPA.

3. The Board, in making its determination pursuant to 17-13-1107-C that a practical difficulty or particular hardship did exist, took into account that evidence was presented that: (1)) the fact that the property is located within 125' of a RS-3 district results in particular hardship for the Applicant as it cannot have a PPA by right despite being located in a C1-2 district; (2)) the conditions upon which the Applicant's petition is based are not generally applicable to other similarly situated property because other bars and restaurants within a C1-2 zoning district are not required to seek a variation for a PPA and can instead have a PPA by right; (3) as the Applicant will continue to occupy the subject property, the purpose of the variation is not exclusively based upon a desire to make more money out of the property; (4) the Applicant did not create the zoning situation and cannot feasibly change its occupancy to less than 100 as testified to by Mr. Rezni; (5) the variation being granted will not be detrimental to the public welfare or injurious to other property as the establishment previously on the subject property also had a PPA; and (6) the variation will not impair an adequate supply of light or air to the neighboring properties, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood as the variation will utilize an existing building.

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

RESOLVED, the aforesaid variation application is hereby approved, and the Zoning Administrator is authorized to permit said variation.

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

APPLICANT: Alex Ivankevych

CAL NO.: 247-16-Z

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:
June 17, 2016

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1935 W. Ohio Street

NATURE OF REQUEST: Application for a variation to reduce the required rear setback from 26.6' to 16', the combined side setback from 4.8' to 2' (2' on the west and zero on the east), for an open stair to access a garage rooftop deck which will contain the relocated 149 square feet of rear yard open space.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

JUL 19 2016
CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

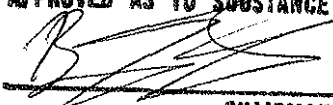
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 17, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 2, 2016 ; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the required rear setback to 16', the combined side setback to 2' (2' on the west and zero on the east), for an open stair to access a garage rooftop deck which will contain the relocated 149 square feet of rear yard open space; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Maria Nolfi **CAL NO.:** 248-16-Z
APPEARANCE FOR: Mark Kupiec **MINUTES OF MEETING:**
June 17, 2016
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1933 W. Ohio Street

NATURE OF REQUEST: Application for a variation to reduce the west setback from the required 2' to zero to allow for the division of a lot. The existing two-story residential building will remain on the lot at 1933 W. Ohio Street

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

JUL 19 2016

CITY OF CHICAGO

BLAKE SERCYE
 SOL FLORES
 SHEILA O'GRADY
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

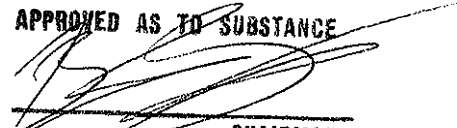
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 17, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 2, 2016; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the west setback to zero to allow for the division of a lot. The existing two-story residential building will remain on the lot at 1933 W. Ohio Street; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

 CHAIRMAN

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

APPLICANT:

B. Rose Inc.

CAL NO.: 249-16-S

APPEARANCE FOR:

MINUTES OF MEETING:
June 17, 2016

APPEARANCE AGAINST:

PREMISES AFFECTED: 3341 N. Southport Avenue

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

ACTION OF BOARD-
CASE CONTINUED TO AUGUST 19, 2016

THE VOTE

JUL 19 2016

CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
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: Walsh & Sons Construction

CAL NO.: 250-16-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
June 17, 2016

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3932 N. Bell Avenue

NATURE OF REQUEST: Application for a variation to reduce the required rear setback from 34.75' to 2', the north setback from 2.4' to zero, the south setback from 2.4' to zero, the total combined side setback from 6' to zero for an open stair to access a garage roof top deck on an existing three-car garage.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

JUL 19 2016
CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
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 June 17, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 2, 2016 ; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the required rear setback to 2', the north setback to zero, the south setback to zero, the total combined side setback to zero for an open stair to access a garage roof top deck on an existing 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: Wathiq Hindo & Nidhal Hindo **CAL NO.:** 251-16-Z
APPEARANCE FOR: Thomas Raines **MINUTES OF MEETING:** June 17, 2016
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1455 N. Wieland Street

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 12.26' to 6.21', the north setback from 5' to 3' (south to be 5'), the combined side yard setback from 16' to 8', the rear yard setback from 30.66' to 5' for a proposed four-story, nine- dwelling unit building.

**ACTION OF BOARD-
 VARIATION GRANTED**

THE VOTE

JUL 19 2016

CITY OF CHICAGO

BLAKE SERCYE
 SOL FLORES
 SHEILA O'GRADY
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
		X

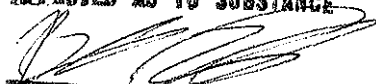
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 17, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 2, 2016 ; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the front setback to 6.21', the north setback to 3' (south to be 5'), the combined side yard setback to 8', the rear yard setback to 5' for a proposed four-story, nine- 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: Princess Nails of Chicago Corp **CAL NO.:** 252-16-S
APPEARANCE FOR: Won Sun Kim **MINUTES OF MEETING:** June 17, 2016
APPEARANCE AGAINST: None
PREMISES AFFECTED: 6549 N. Clark Street
NATURE OF REQUEST: Application for a special use to establish a nail salon.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

JUL 19 2016

CITY OF CHICAGO

BLAKE SERCYE
 SOL FLORES
 SHEILA O'GRADY
 SAMTOIA
 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 June 17, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 2, 2016 ; and

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

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

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

APPROVED AS TO SUBSTANCE

 CHAIRMAN

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



JUL 19 2016
CITY OF CHICAGO

Castleview Holdings/1320 Wrightwood LLC

APPLICANT

253-16-Z

CALENDAR NUMBER

3533 N. Wilton Avenue

PREMISES AFFECTED

June 17, 2016

HEARING DATE

Tom Moore

APPEARANCE FOR APPLICANT

Brendan Thommes & Others

OBJECTORS

NATURE OF REQUEST

Application for a variation to reduce the rear yard setback from the required 37.35' to 21.47'; to reduce the north and south side yard setback from 2' to 0'; and to reduce the combined side yard setback from 5' to 0' for an open deck, open stair and landing to access a roof-top garage deck which shall contain the relocated rear yard open space.

ACTION OF BOARD

THE VOTE

The application for a variation is approved.

	APPROVE	DENY	ABSENT
Blake Sercye, Chairmain	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sol Flores	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sheila O'Grady	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Amanda Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

THE RESOLUTION OF THE BOARD

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on June 17, 2016, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance ("Zoning Ordinance") and by publication in the *Chicago Sun-Times*; and

WHEREAS, Mr. Nicholas Karnes testified on behalf of the Applicant; that he is part of Castleview Holdings; that the Applicant proposes to build a four (4) unit building on the subject property ("Building"); that the Building will have a million dollar duplex-down basement unit; that said unit will need outdoor space and therefore the Applicant proposes to have a garage roof-top deck; that both the Building and its garage roof-top deck are permitted as of right; that the requested variation is for access to the proposed garage roof-top deck; that the entire block is comprised of three (3) and four (4) unit

APPROVED AS TO SUBSTANCE

CHAIRMAN

buildings; that the proposed variation will not alter the essential character of the neighborhood; that the proposed variation will not have a negative effect on the surrounding property values; that the Applicant has attempted to meet the Objectors; that the Objectors do not want a garage roof-top deck as they live across the alley and are afraid the roof-top deck will create noise; that the Applicant has attempted to alleviate the Objectors' concerns by offering to give a covenant that would prohibit anyone being out on the deck past 11:00 PM and by offering to install evergreens to create some sort of barrier; that the Objectors live in three (3) or four (4) unit buildings that have roof-top decks as well, though theirs are on the building roof rather than the garage roof; that the proposed garage roof-top deck is for the duplex-down basement unit in the Building; that it would be impractical to put all the outdoor space for said duplex-down basement unit on the roof of the Building; and

WHEREAS, Mr. John Hanna testified on behalf of the Applicant; that he is a licensed architect in the State of Illinois; that with the exception of the stair access to the garage roof-top deck, the Building complies with this Zoning Ordinance; that he has designed other buildings in the neighborhood; that the proposed design of the stairs to access the garage roof-top deck is consistent with said buildings; that the proposed variation fits within the character of the neighborhood; that he would be able to add trees to the development to create a sound buffer; that this would address the Objectors' concerns regarding noise; that as the rear setback in the area is about 30%, the Objectors' building is most likely set 34' or 35' off of the alley; that the alley is 16' wide; that the Applicant's proposed garage will be set 2' off of the alley; that there will be approximately 56' feet between the proposed garage roof-top deck and the Objectors; that the proposed variation will not block anyone's light or air or create a fire hazard; that the proposed evergreens would most likely be a 10' species; and

WHEREAS, Mr. Brendan Thommes, of 3532 N. Fremont, testified in objection to the application; that 3532 N. Fremont was directly behind the subject property; that he is concerned about garbage; that he is also concerned about the noise that would come from the proposed garage roof-top deck; that there is not a garage behind his building as the garage goes down underneath the building; and

WHEREAS, Ms. Shelby Rash, of 3530 N. Fremont, testified in objection the application; that there is only 30' from the proposed garage to her bedroom; that her bedroom sits very close to the alley; that a garage roof-top deck does not fit within the culture of the neighborhood; and

WHEREAS, Mr. Clayton Jones, of 3532 N. Fremont, testified in objection to the application; that he is concerned about the closeness of the garage to the alley; and

WHEREAS, in response to questions by the Board, Mr. Jones further testified that he had a roof-top deck; and

WHEREAS, in response to questions by the Board, Ms. Rash testified that she had a roof-top deck; that the culture of the neighborhood is to have a small private deck off of the master bedrooms and then a shared deck on the roof of the building; and

WHEREAS, Mr. Clayton Jones then showed the Board a series of pictures; that the pictures showed the present condition of the alley separating the subject property from 3532 N. Fremont; and

WHEREAS, in response to concerns raised by the Objectors, Mr. Hanna testified that as the Building is a four (4) unit building, the City will require the Applicant to provide a garbage enclosure in the rear yard; that the garbage enclosure is reflected in the Applicant's plans before the Board; that there are other garage roof-top decks in the area; and

WHEREAS, the Board stated it wished to have the addresses of said garage roof-top decks prior to voting on the matter and requested such list of addresses by the close of business; and

WHEREAS, Mr. Hanna further testified that the Applicant would put together a map; and

WHEREAS, by close of business the Board received into the record the Applicant's map showing other garage roof-top decks in the area; and

WHEREAS, Section 17-13-1101-A grants the Zoning Board of Appeals authority to grant a variation to permit required rear open space to be located on a deck or patio located more than four (4) feet above ground; and

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

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

1. The Board finds pursuant to Section 17-13-1107-A that the Applicant has proved its case by testimony and other evidence that strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property as the garage roof-top deck is permitted as of right under this Zoning Ordinance. Further, the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance.

2. The Board finds pursuant to Section 17-13-1107-B that the Applicant has proved by testimony and other evidence that: (1) the property in question cannot yield a reasonable rate of return if permitted to be used only in accordance with the standards of this Zoning Ordinance because the Applicant can build the garage roof-top deck as of right but cannot access the garage roof-top deck without the requested variation; (2) the practical difficulty or particular hardship of the property – namely, the ability to build the garage roof-deck as of right but not the ability to access said garage roof-top deck – is due to unique circumstances and is not generally applicable to other similarly situated property; and (3) the variation, if granted, will not alter the essential character of the neighborhood as very credibly testified to by Mr. Hanna.

3. The Board, in making its determination pursuant to 17-13-1107-C that a practical difficulty or particular hardship did exist, took into account that evidence was presented that: (1) the particular topographical condition of the specific property involved would result in particular hardship upon the Applicant if the strict letter of the regulations were carried out as the Applicant would have a garage roof-top deck and no way to access it; (2) the ability to build a garage roof-deck as of right but not the ability to access said garage roof-deck is not a condition applicable, generally, to other property in the RM-5 zoning district; (3) the purpose of the variation is not based exclusively upon a desire to make more money out of the property; (4) the practical difficulty or particular hardship of the property – namely, the ability to build the garage roof-deck as of right but not the ability to access said garage roof-top deck – has not been created by the Applicant; (5) the granting of the variation will not be detrimental to public welfare or injurious to other property as the Applicant will provide evergreen trees to create a noise buffer; 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.

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

RESOLVED, the aforesaid variation application is hereby approved, and the Zoning Administrator is authorized to permit said variation.

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

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

APPLICANT: Todd A.Mazur **CAL NO.:** 254-16-Z
APPEARANCE FOR: Same as applicant **MINUTES OF MEETING:**
June 17, 2016
APPEARANCE AGAINST: None
PREMISES AFFECTED: 3919 N. Hamilton Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 34.72' to 2.5', the north setback from 2.4' to zero (south setback to be 2') the combined side setback from 6' to 2' for an open stair to access a garage roof top deck.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

JUL 19 2016

CITY OF CHICAGO

BLAKE SERCYE
 SOL FLORES
 SHEILA O'GRADY
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

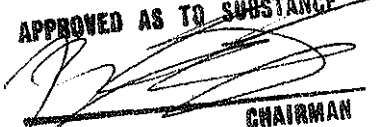
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 17, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 2, 2016 ; and

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

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

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 1248 W. Grace LLC

CAL NO.: 255-16-Z

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:
June 17, 2016

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1828 W. Melrose Street

NATURE OF REQUEST: Application for a variation to reduce the required rear setback from 35.02' to 2', the west setback from 2' to zero (the existing east setback is 2'), the combined side setback from 4.8' to 2', for a metal stair to access a garage rooftop deck on the existing two-car garage.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

JUL 19 2016

CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

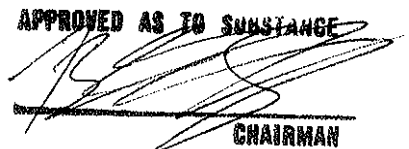
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 17, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 2, 2016; and

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

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

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Igor Pesotsky **CAL NO.:** 256-16-S
APPEARANCE FOR: Nick Ftikas **MINUTES OF MEETING:**
June 17, 2016
APPEARANCE AGAINST: None
PREMISES AFFECTED: 3501 N. Elston Avenue

NATURE OF REQUEST: Application for a special use to establish a business live/ work unit.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

JUL 19 2016

CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
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 June 17, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 2, 2016; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition (s): Construction is consistent with the design and layout illustrated in the plans prepared by Baranyk Associates, Ltd. and dated February 4, 2016.

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: GXSR LLC, 3302 N Hamilton Series **CAL NO.:** 257-16-Z
APPEARANCE FOR: Thomas Moore **MINUTES OF MEETING:** June 17, 2016
APPEARANCE AGAINST: None
PREMISES AFFECTED: 3302 N. Hamilton Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from 34.70' to 2', the south setback to zero and the north setback to be 2', the combined side setback from 5' to 2' for an open stair and landing to access a rooftop deck on the garage which will contain the relocated rear yard open space.

**ACTION OF BOARD-
 VARIATION GRANTED**

THE VOTE

JUL 19 2016
 CITY OF CHICAGO

BLAKE SERCYE
 SOL FLORES
 SHEILA O'GRADY
 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 June 17, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 2, 2016 ; and

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

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

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Coen Construction, Inc.

CAL NO.: 258-16-Z

APPEARANCE FOR:

MINUTES OF MEETING:
June 17, 2016

APPEARANCE AGAINST:

PREMISES AFFECTED: 3729 N. Wilton Avenue

NATURE OF REQUEST: Application for a variation to reduce the front setback from 14.42' to 10.08' for a proposed four-story, six dwelling unit building

ACTION OF BOARD-
CASE CONTINUED TO AUGUST 19, 2016

THE VOTE

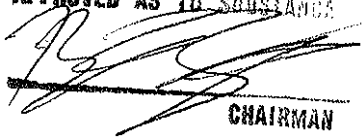
JUL 19 2016

CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
SAMTOIA
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: Drummin Development, Inc. **CAL NO.:** 259-16-Z
APPEARANCE FOR: Sara Barnes **MINUTES OF MEETING:** June 17, 2016
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1421 W. Warner Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from 35' to 2.33', the east setback from 2' to zero, the west setback from 2' to zero, the combined side setback combination from 5' to zero for an open stair to access roof top deck on an existing garage.

**ACTION OF BOARD-
 VARIATION GRANTED**

THE VOTE

JUL 19 2016
 CITY OF CHICAGO

BLAKE SERCYE
 SOL FLORES
 SHEILA O'GRADY
 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 June 17, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 2, 2016 ; and

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

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

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

APPROVED AS TO SUBSTANCE

 CHAIRMAN

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

APPLICANT: Drummin Development, Inc. **CAL NO.:** 260-16-Z
APPEARANCE FOR: Sara Barnes **MINUTES OF MEETING:** June 17, 2016
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1423 W. Warner Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from 35.0' to 2.33, the east setback from 2' to zero, the west setback from 2' to zero, the combined side setback from 5' to zero for an open stair to access a roofdeck on an existing garage.

**ACTION OF BOARD-
 VARIATION GRANTED**

THE VOTE

JUL 19 2016
 CITY OF CHICAGO

BLAKE SERCYE
 SOL FLORES
 SHEILA O'GRADY
 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 June 17, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 2, 2016 ; and

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

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

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

APPROVED AS TO SUBSTANCE

 CHAIRMAN

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

APPLICANT: Nazar Karabinovich

CAL NO.: 261-16-S

APPEARANCE FOR: John Pikarski

MINUTES OF MEETING:
June 17, 2016

APPEARANCE AGAINST: George Blakemore

PREMISES AFFECTED: 5003 N. Western Avenue

NATURE OF REQUEST: Application for a special use to establish a residential use below the second floor in an existing two-story, two dwelling unit building to be converted to a single family residence.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

JUL 19 2016

CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
		X

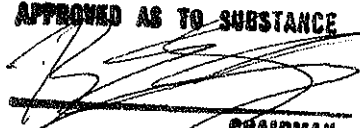
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 17, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 2, 2016; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; George Blakemore testified in opposition to the application for special use; the applicant shall be permitted to establish a residential use below the second floor in an existing two-story, two dwelling unit building which shall be converted to a single family residence; a variation was also granted to the subject site in Cal. No. 261-16-S expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

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

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Nazar Karabinovich

CAL NO.: 262-16-Z

APPEARANCE FOR: John Pikarski

MINUTES OF MEETING:
June 17, 2016

APPEARANCE AGAINST: George Blakemore

PREMISES AFFECTED: 5003 N. Western Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear yard setback from 30' to 2' for two-story, two-dwelling unit building to be converted to a single family residence with a third floor addition, an open rear deck, an open stair to access the roof top deck located on the garage.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

JUL 19 2016

CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

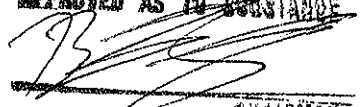
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 17, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 2, 2016 ; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; George Blakemore testified in objection to the application for variation; the applicant was granted a special use to the subject site in Cal. No. 261-16-S; the applicant shall be permitted to reduce the rear yard setback to 2' for two-story, two-dwelling unit building to be converted to a single family residence with a third floor addition, an open rear deck, an open stair to access the roof top deck located on the 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: Shawn Joyce **CAL NO.:** 263-16-S

APPEARANCE FOR: John Pikarski **MINUTES OF MEETING:**
June 17, 2016

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1465 W. Balmoral Avenue 2nd Flr.

NATURE OF REQUEST: Application for a special use to establish a vacation rental.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

JUL 19 2016
CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
SAMTOIA
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 June 17, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 2, 2016; and

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

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

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

APPROVED AS TO FORM AND CONTENT

CHAIRMAN

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

APPLICANT: Eduardo Garza **CAL NO.:** 264-16-Z
APPEARANCE FOR: Same as applicant **MINUTES OF MEETING:**
June 17, 2016
APPEARANCE AGAINST: None
PREMISES AFFECTED: 6136 S. Pulaski Road

NATURE OF REQUEST: Application for a variation to establish a public place of amusement license for an existing banquet hall which is located within 125' of an RS-2 residential zoning district.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

JUL 19 2016

CITY OF CHICAGO

BLAKE SERCYE
 SOL FLORES
 SHEILA O'GRADY
 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 June 17, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 2, 2016; and

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

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

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

APPROVED AS TO FORM AND CONTENT

 CHAIRMAN

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

APPLICANT: Thread House Inc.

CAL NO.: 265-16-S

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
June 17, 2016

APPEARANCE AGAINST: None

PREMISES AFFECTED: 6060 N. Northwest Highway

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

JUL 19 2016

CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
SAMTOIA
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 June 17, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 2, 2016 ; and

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

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

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Molly Miner and Alex Rosenthal **CAL NO.:** 266-16-Z
APPEARANCE FOR: Mark Kupiec **MINUTES OF MEETING:**
 June 17, 2016
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2522 W. Lyndale Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from 30.94' to 27.76' , the west setback from 2.24' to 0.6' (east to remain 8.71') the combined side yard setback shall be 9.31' for a proposed rear two-story addition to an existing two-story single family residence.

**ACTION OF BOARD-
 VARIATION GRANTED**

THE VOTE

JUL 19 2016
 CITY OF CHICAGO

BLAKE SERCYE
 SOL FLORES
 SHEILA O'GRADY
 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 June 17, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 2, 2016; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 27.76' , the west setback to 0.6' (east to remain 8.71') the combined side yard setback shall be 9.31' for a proposed rear two-story addition to an existing two-story single family residence; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

 CHAIRMAN

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

APPLICANT: Kenmore Estates, LLC

CAL NO.: 267-16-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
June 17, 2016

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1930 N. Kenmore Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 28' to 21.5' for a rear open stair to access a garage roof deck to be located on the roof of the existing three- car garage.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

JUL 19 2016

CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

THE RESOLUTION:

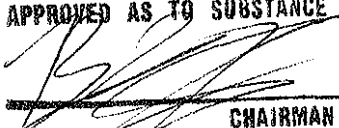
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 17, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 2, 2016; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 21.5' for a rear open stair to access a garage roof deck to be located on the roof of the existing 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.

1

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Spencil Hill Development, LLC **CAL NO.:** 268-16-S
APPEARANCE FOR: Thomas Moore **MINUTES OF MEETING:** June 17, 2016
APPEARANCE AGAINST: None
PREMISES AFFECTED: 204 N. Halsted Street

NATURE OF REQUEST: Application for a special use to establish an outdoor rooftop patio to be located on a proposed second floor onto an existing one-story building.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

JUL 19 2016
CITY OF CHICAGO

BLAKE SERCYE
 SOL FLORES
 SHEILA O'GRADY
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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 June 17, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 2, 2016 ; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): the development is consistent with the design and layout in the site plan dated March 5, 2016, and the floor plans and elevations dated December 28, 2015, all prepared by MVA Engineering Consultants.

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: 11th Street Wabash, LLC

CAL NO.: 269-16-Z

APPEARANCE FOR:

MINUTES OF MEETING:
June 17, 2016

APPEARANCE AGAINST:

PREMISES AFFECTED: 1101 S. Wabash Avenue

NATURE OF REQUEST: Application for a variation to to reduce the length of the required loading berth from 10' x 50' to 10' x 25' for a proposed thirty-story hotel.

ACTION OF BOARD-
WITHDRAWN ON MOTION OF THE APPLICANT

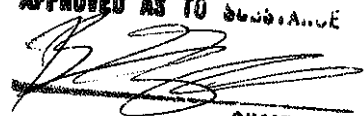
THE VOTE

JUL 19 2016

CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
SAMTOIA
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: Lakeshore Outdoor Advertising Inc. **CAL NO.:** 270-16-S

APPEARANCE FOR: Nick Ftikas **MINUTES OF MEETING:**
June 17, 2016

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1900 S. Lumber Street

NATURE OF REQUEST: Application for a special use to establish an off-premise advertising sign on an existing building.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

JUL 19 2016
CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
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 June 17, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 2, 2016; and

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

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

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: West Town Jewelry & Loan, LLC

CAL NO.: 271-16-S

APPEARANCE FOR:

MINUTES OF MEETING:
June 17, 2016

APPEARANCE AGAINST:

PREMISES AFFECTED: 2059 W. Chicgao Avenue

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


ACTION OF BOARD-
CASE CONTINUED TO JULY 15, 2016

THE VOTE

JUL 19 2016
CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
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: Justin Sebastian **CAL NO.:** 272-16-Z
APPEARANCE FOR: Same as applicant **MINUTES OF MEETING:**
June 17, 2016
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2520 N. Ashland Avenue

NATURE OF REQUEST: Application for a variation to reduce the required rear yard from 30.0' to 24.22' on floors containing dwelling units for a proposed garage roof deck and bridge with an ope stair to access the deck on the roof of the garage.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

JUL 19 2016

CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
SAMTOIA
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 June 17, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 2, 2016 ; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the required rear yard to 24.22' on floors containing dwelling units for a proposed garage roof deck and bridge with an ope stair to access the deck on the roof of the garage at the subject site; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Lilly Pham

CAL NO.: 273-16-S

APPEARANCE FOR: Same as applicant

MINUTES OF MEETING:
June 17, 2016

APPEARANCE AGAINST: None

PREMISES AFFECTED: 229 E. 47th Street

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

JUL 19 2016
CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
SAMTOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

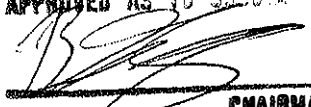
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 17, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 2, 2016 ; and

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

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

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

APPROVED AS TO SAID RESOLUTION

CHAIRMAN

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

APPLICANT: Jessica Ransom

CAL NO.: 274-16-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
June 17, 2016

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2436 W. Addison Street

NATURE OF REQUEST: Application for a variation to reduce the east yard setback from the required 2.42' to 0.13' (west to remain at 3.08') , the combined side yard setback from 6.04' to 3.21' , to subdivide an existing zoning lot into two zoning lots. The existing building at 2436 W. Addison will remain.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

JUL 19 2016
CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

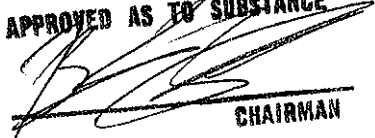
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 17, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 2, 2016 ; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the east yard setback to 0.13' (west to remain at 3.08') , the combined side yard setback to 3.21' , to subdivide an existing zoning lot into two zoning lots. The existing building at 2436 W. Addison will remain; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Jeffrey Emery & Tiffany Emery

CAL NO.: 275-16-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
June 17, 2016

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2434 W. Addison Street

NATURE OF REQUEST: Application for a variation to reduce the east setback from the required 2.13' to 0.92' (west setback to be 2.67'), the combined side setback from 5.34' to 3.59' for a proposed two-story single family residence with a rear detached garage.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

JUL 19 2016
CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
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 June 17, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 2, 2016 ; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the east setback to 0.92' (west setback to be 2.67'), the combined side setback from 5.34' to 3.59' for a proposed two-story single family residence with a rear detached 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

CHAIRMAN

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

APPLICANT: NBM Development, LLC

CAL NO.: 276-16-Z

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:
June 17, 2016

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2412 W. Lyndale Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 33.15' to 23' for an open stair' bridge to access the roof top deck on the existing detached four car garage which will also contain the relocated rear yard open space.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

JUL 19 2016

CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
SAMTOIA
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 June 17, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 2, 2016 ; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 23' for an open stair' bridge to access the roof top deck on the existing detached four car garage which will also contain the relocated rear yard open space; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



JUL 19 2016
CITY OF CHICAGO

NBT Partners, LLC

APPLICANT

277-16-S & 278-16-Z

CALENDAR NUMBERS

400 E. 107th St.

PREMISES AFFECTED

June 17, 2016

HEARING DATE

Chris Leach

APPEARANCE FOR APPLICANT

Quentin Milroe & Others

OBJECTORS

NATURE OF REQUESTS

Application for a special use to permit the establishment of a 120 foot wireless communication facility freestanding tower.

Application for a variation to reduce the required 30' setback from the rear property line to 26' for a proposed 120 foot wireless communication facility freestanding tower.

ACTION OF BOARD

THE VOTE

The application for the special use is approved. The application for the variation is approved.

	AFFIRMATIVE	NEGATIVE	ABSENT
Blake Sercye (recused)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sol Flores	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Shelia O'Grady	<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 type="checkbox"/>	<input checked="" type="checkbox"/>

THE RESOLUTION OF THE BOARD

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on June 17, 2016, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance ("Zoning Ordinance") and by publication in the *Chicago Sun-Times*; and

WHEREAS, Mr. Chris Leach, counsel for the Applicant, explained the history of the subject property and the underlying nature of the relief sought; and

WHEREAS, Mr. Marc Samko, project manager of the Applicant, testified on behalf of the Applicant; that the Applicant and its affiliates are in the business of providing infrastructure such as cell towers for the wireless communications industry; that he

APPROVED AS TO SUBSTANCE

CHAIRMAN

himself has been in the wireless communications industry for ten (10) years; that he is familiar with the subject property; that the subject property is currently vacant; that the Applicant is in the process of purchasing the subject property from the City pursuant to the City's sealed bid program; that the Applicant was the highest bidder for the subject property; that the Applicant proposes to improve the subject property with a 120-foot monopole cell tower and associated equipment; that the proposed facility is to improve and increase the wireless communication coverage in capacity to the area residents and businesses; that the proposed facility is designed to accommodate up to three (3) wireless carriers; that T-Mobile will be the lead wireless carrier for the proposed facility; that in accordance with this Zoning Ordinance, it is the Applicant's intent to allow shared use of the proposed facility; that the Applicant's affidavit confirming this intent is included in the Applicant's exhibit booklet to the Board as Exhibit Number 2; that also in accordance with this Zoning Ordinance, the Applicant sent out certified letters to other wireless carriers (Sprint, AT&T and Verizon), notifying them of the Applicant's application and offering a colocation at the proposed facility; that copies of the Applicant's certified letters are included in the Applicant's exhibit booklet to the Board as Exhibit Number 3; that the proposed facility is designed to meet or exceed all current standards of the Federal Communications Commissions and the Federal Aviation Administration; and

WHEREAS, Mr. Samko further testified that the proposed facility is designed not to cause any interference with radio, television or other electrical appliances; that the proposed facility is designed to maintain a galvanized finish; that there is not another freestanding facility located within 1320 feet of the proposed facility; that there are no existing wireless communication facilities located in this geographical area that meet the engineering standards and needs of T-Mobile; that, consequently, the proposed facility is needed to meet the engineering requirements of T-Mobile; that the proposed facility is designed to meet all setback requirements except for the variation request to reduce the rear setback from 30' to 26'; that this 4' rear setback reduction request is being sought to accommodate Alderman Beale's request that the proposed facility be set as far back on the subject property as possible to minimize its visual impact; that the requested variation is also to allow a large public open space at the front of the lot; that the proposed cell tower and equipment is designed to be enclosed within a 6' security fence; that evergreens are planned to be installed around the perimeter of this security fence for additional screening purposes; that the 107th Street frontage of the proposed facility is designed to include public open space improved with picnic tables, chess tables, checker tables and benches located in a courtyard area; that there is a Baggo game planned for the northeast corner of the site; that these public spaces were included at the request of Alderman Beale; that the subject property will be landscaped with drought resistant ground cover so that it will not be overgrown with weeds or grass; that the proposed facility will be an unmanned facility and therefore will not generate any traffic except for occasional service vehicles; that the proposed facility will be constructed in accordance with all laws concerning public health, safety and welfare; that the proposed facility is designed not to have any adverse impact on the health or general welfare of the community or have any effect on the pedestrian right of way; that the proposed facility will increase the wireless communication coverage and capacity of T-Mobile in this area; that the proposed facility will generate new tax revenue by putting the property back on

the real estate tax rolls; that the proposed facility will put a vacant parcel back to productive use; and

WHEREAS, Mr. Terrence O'Brien testified on behalf of the Applicant; that his credentials as an expert in real estate appraisal were acknowledged by the Board; that he has physically inspected the subject property and its surrounding area; that his findings are contained in his report on the subject property; his report was submitted and accepted by the Board; that his report fully addresses all of the criteria identified in this Zoning Ordinance which must be addressed in support of such an application; that he then orally testified that the proposed special use: (1) complies with all applicable standards of this Zoning Ordinance; (2) is in the interest of the public convenience as there is a need for the proposed facility in this specific location as studies done by the Applicant indicate many dropped calls in this area and as there is definitely a need to improve wireless communications; (3) will have no adverse impact on the general welfare of the neighborhood as the subject property is zoned for business and but for the fact there is no colocation at present at the proposed facility, the proposed facility would be allowed as a matter of right as collocated wireless facilities are an allowed use at this location; (4) is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting noise and traffic generation as there will be no excess noise generated, no excess traffic generated as the only time traffic will be utilizing the site is for non-frequent service purposes, and no excess spillage of any lighting; and

WHEREAS, Mr. O'Brien further testified that Applicant met all criteria set forth in this Zoning Ordinance with respect to its request for variation; that the primary reason to reduce the rear setback from 30' to 26' is to allow for the open space at the southern end of the subject property; that said open space will have picnic areas, chess and checker tables, benches and open green space; that the proposed variation lessens the visual impact of the proposed tower; and

WHEREAS, Mr. Michael Blasutti testified on behalf of the Applicant; that he is the Senior Manager of Development for T-Mobile; that the proposed facility is a 24/7 operation; that T-Mobile will need to perform maintenance at the proposed facility; that said maintenance will happen very rarely outside of normal business hours; that if maintenance is performed outside of normal business hours, it would be nothing more substantial than a technician changing a module on the ground; that said maintenance would not generate noise or create a disturbance in the neighborhood; that the technician would use a standard work light, such as a shop light one might have in one's garage; and

WHEREAS, in response to questions by the Board, Mr. Leach explained that the proposed ground cover is a drought resistant plan; that it does not get tall and is designed so it will not need to be mowed; that there will also be mulch and pea gravel; that landscape cloth will be used to prevent weeds from growing; and

WHEREAS, Mr. Samko further testified that the Applicant would have a maintenance crew on retainer; that in addition to addressing any issues brought to

Alderman Beale's office, the maintenance crew would go out about every six months to check the site; that the Applicant understood City ordinance required immediate snow removal from sidewalks; that the Applicant would maintain normal Chicago Park District hours of 6 AM – 11 PM for the open space and would lock the open space when the open space was closed; and

WHEREAS, Mr. Leach explained that the Applicant would be working with Alderman Beale's office to hire a local person in the neighborhood to lock and unlock the open space; and

WHEREAS, Alderman Beale explained that he is going to work with the Applicant and the community to have someone within the community take charge of the key to the open space; that he wishes for the community to have ownership of this particular open space; that if someone in the community can unlock and open the open space, the community will have more empowerment as far as what happens on the site; and

WHEREAS, Mr. Quentin Milroe, of 408 E. 107th Street, testified in objection to the applications; and

WHEREAS, the Board stated that the Board considered zoning issues; that Mr. Milroe's desire to have the Applicant purchase his lot was beyond the purview of the Board; and

WHEREAS, Mr. Milroe further objected that the Applicant's proposed facility would affect his property; and

WHEREAS, Dr. Carmen Palmer, of 10552 S. Vernon Avenue, testified in objection to the applications; that she was the President of the 9th Ward Greater Roseland Community Coalition ("Coalition"); that the proposed facility would affect health, lower property values, and obstruct the community's reimagining of the 107th and Dr. Martin Luther King Drive intersection; that she then submitted and the Board accepted into the record a packet detailing the Coalition's concerns; that the subject property was contaminated; that the Coalition envisioned the subject property decontaminated; that the Coalition wished to place a community garden on the subject property; that she wished to know from the Applicant what jobs would be produced by the proposed facility, how the environmental conditions would be improved, how would property values be sustained, and what health benefits would the tower bring; and

WHEREAS, Ms. Gloria Cosey, address unknown, testified in objection to the applications; that she was the President of the Rosemoor Community Association ("Association"); that the Association's address was 10205 S. King Drive; that the subject property is the last place a cell tower should be erected as there are many other locations; and

WHEREAS, in response to concerns raised by the Objectors, Mr. Leach explained that the Applicant was still in the process of purchasing the subject property from the

City; that the Applicant bid \$12,000 for the subject property and was the highest bidder; that the Applicant is only buying the subject property and the proposed facility will only be on the subject property and not Mr. Milroe's property; that radio towers do not emit radiation but radiofrequencies; that this has been tested by the Federal Communications Commission; that the Federal Communications Commission have deemed cell towers to be of small health risk and therefore safe; that, furthermore pursuant to Title 47 of Section 332 of the United States Code, 47 U.S.C.A § 332(c)(7)(iv) (West 2016), no state or local government may regulate the placement and construction of wireless facilities on the basis of environmental effects of radiofrequency to the extent that such facilities comply with the Federal Communication Commission's regulations concerning such emissions; that the proposed tower does meet and exceed all standards of the Federal Communication Commission; and

WHEREAS, in response to concerns raised by the Objectors, Mr. O'Brien further testified that monopole wireless communications facilities are an allowed use so long as there are two users on the tower; that in this particular instance, there is only one user at this time; that under the existing zoning classification, the proposed type of structure is an allowed use; that therefore it will not have an impact on value as it is an allowed use; that the proposed facility will be beneficial as it will increase the real estate tax base as the subject property is currently vacant and exempt; that there will be benefits to the community in terms of the open space provided and in the fact that there will be jobs during the construction of the proposed facility; that while admittedly, the jobs may not go to neighbors in the immediate area of the vicinity; and

WHEREAS, in response to concerns raised by the Objectors, Mr. Leach further explained that the Applicant is not currently aware of any contamination on the subject property as it has not yet been granted a right of entry to inspect the subject property; that to the extent cleanup is required for an open site for this use, the Applicant would meet the standards required; that the Applicant wishes to be a good neighbor to the community; and

WHEREAS, Alderman Beale testified in support of the applications; and

WHEREAS, the staff of the Department of Planning and Development recommended approval of the proposed special use; and

WHEREAS, the Applicant has presented evidence that no existing facility or structure can accommodate the Applicant's proposed facility pursuant to Section 17-9-0188-D of the Chicago Zoning Ordinance; and

WHEREAS, the Applicant has also presented evidence that the proposed application meets all of the criteria established in Section 17-13-0905-A for the granting of a Special Use; and

WHEREAS, Section 17-13-1101-L of the Chicago Zoning Ordinance grants the Zoning Board of Appeals authority to grant a variation allowing a wireless

communications facility that does not satisfy the spacing, height or setback standards of Section 17-9-0118 of the Chicago Zoning Ordinance; now, therefore,

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

1. The proposed special use complies with all applicable standards of this Zoning Ordinance.
2. The proposed special use is in the interest of the public convenience as there is a need for the proposed facility in this specific location as studies done by the Applicant indicate many dropped calls in this area and as there is definitely a need to improve wireless communications. Further, the proposed special use will not have an adverse impact on the general welfare of the neighborhood as the proposed facility is an allowed use under the current zoning classification provided that there are two users for the proposed facility and will in fact benefit the general welfare of the neighborhood because it will put an exempt and vacant property back on the tax rolls.
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 because: (1) the Applicant will set the cell tower to the back of the subject property to minimize the special use's impact; and (2) the Applicant has designed the proposed special use to include public open space improved with picnic tables, chess tables, checker tables and benches located in a courtyard area.
4. The proposed special use is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation as there will be no excess noise generated, no excess traffic generated as the only time traffic will be utilizing the site is for non-frequent service purposes, and no excess spillage of any lighting.
5. The proposed special use is designed to promote pedestrian safety and comfort because it will be located towards the back of the subject property, because the Applicant has designed the proposed special use to include public open space improved with picnic tables, chess tables, checker tables and benches located in a courtyard area and because the Applicant will maintain the subject property, including the shoveling of snow and removal of trash.

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

1. The Board finds pursuant to Section 17-13-1107-A that the Applicant has proved its case by testimony and other evidence that strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property. Further, the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance.

2. The Board finds pursuant to Section 17-13-1107-B that the Applicant has proved by testimony and other evidence that: (1) the property in question cannot yield a reasonable rate of return if permitted to be used only in accordance with the standards of this Zoning Ordinance because there is little need or demand for vacant parcels in the area; (2) the practical difficulty or particular hardship of the property – namely, that the Applicant’s proposed plan of development to provide community open space and lessen the visual impact of the proposed facility – is due to the unique circumstances and is not generally applicable to other similarly situated property; and (3) the variation, if granted, will not alter the essential character of the neighborhood as the variation is being requested to lessen the visual impact of the proposed facility.

3. The Board, in making its determination pursuant to 17-13-1107-C that a practical difficulty or particular hardship did exist, took into account that evidence was presented that: (1) the particular topographical condition of the specific property involved would result in particular hardship upon the Applicant if the strict letter of the regulations were carried out as the Applicant would not be able to provide community open space or lessen the visual impact of the proposed facility; (2) providing community open space and lessening the visual impact of the proposed facility is not a condition applicable, generally, to other property in the B3-2 zoning district; (3) the purpose of the variation is not based exclusively upon a desire to make more money out of the property and is instead to make the proposed facility as aesthetically pleasing as possible; (4) the practical difficulty or particular hardship of the property – namely, providing community open space and lessening the visual impact of the proposed facility – has not been created by any person presently having an interest in the subject property; (5) the granting of the variation will not be detrimental to public welfare or injurious to other property as the Applicant is providing open space for the community; 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.

RESOLVED, the Board finds that the Applicant has proved its case by testimony and evidence covering the five specific criteria of Section 17-13-0905-A of the Chicago Zoning Ordinance.

RESOLVED, the Board finds that the Applicant has shown by testimony and other evidence that pursuant to Section 17-9-0118-D of the Chicago Zoning Ordinance no existing facility can accommodate the Applicant’s proposed facility as no existing

wireless communication facility or structure are located within the geographic area to meet the Applicant's engineering requirements.

RESOLVED, the aforesaid special use application is hereby approved, and the Zoning Administrator is authorized to permit said special use.

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

Resolved the aforesaid variation application is hereby approved, and the Zoning Administrator is authorized to permit said variation.

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

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



JUL 19 2016
CITY OF CHICAGO

NBT Partners, LLC

APPLICANT

279-16-S

CALENDAR NUMBER

7356 S. Morgan Street

PREMISES AFFECTED

June 17, 2016

HEARING DATE

Chris Leach

APPEARANCE FOR APPLICANT

Angel Hatcher

OBJECTOR

NATURE OF REQUEST

Application for a special use to permit the establishment of a 120 foot wireless communication facility freestanding tower.

ACTION OF BOARD

THE VOTE

The application for the special use is approved.

	AFFIRMATIVE	NEGATIVE	ABSENT
Blake Sercye (recused)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sol Flores	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Shelia O'Grady	<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 type="checkbox"/>	<input checked="" type="checkbox"/>

THE RESOLUTION OF THE BOARD

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on June 17, 2016, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance ("Zoning Ordinance") and by publication in the *Chicago Sun-Times*; and

WHEREAS, Mr. Chris Leach, counsel for the Applicant, explained the history of the subject property and the underlying nature of the relief sought; and

WHEREAS, Mr. Marc Samko, project manager of the Applicant, testified on behalf of the Applicant; that the Applicant and its affiliates are in the business of providing infrastructure such as cell towers for the wireless communications industry; that he himself has been in the wireless communications industry for ten (10) years; that he is familiar with the subject property; that the subject property is currently vacant; that the Applicant is in the process of purchasing the subject property from the City pursuant to the City's sealed bid program; that the Applicant was the highest bidder for the subject

REPORTED AS TO SUBSTANCE

CHAIRMAN

property; that the Applicant proposes to improve the subject property with a 120-foot monopole cell tower and associated equipment; that the proposed facility is to improve and increase the wireless communication coverage in capacity to the area residents and businesses; that the proposed facility is designed to accommodate up to three (3) wireless carriers; that T-Mobile will be the lead wireless carrier for the proposed facility; that in accordance with this Zoning Ordinance, it is the Applicant's intent to allow shared use of the proposed facility; that the Applicant's affidavit confirming this intent is included in the Applicant's exhibit booklet to the Board as Exhibit Number 2; that also in accordance with this Zoning Ordinance, the Applicant sent out certified letters to other wireless carriers (Sprint, AT&T and Verizon), notifying them of the Applicant's application and offering a colocation at the proposed facility; that copies of the Applicant's certified letters are included in the Applicant's exhibit booklet to the Board as Exhibit Number 3; that the proposed facility is designed to meet or exceed all current standards of the Federal Communications Commissions and the Federal Aviation Administration; and

WHEREAS, Mr. Samko further testified that the proposed facility is designed not to cause any interference with radio, television or other electrical appliances; that the proposed facility is designed to maintain a galvanized finish; that there is not another freestanding facility located within 1320 feet of the proposed facility; that there are no existing wireless communication facilities located in this geographical area that meet the engineering standards and needs of T-Mobile; that, consequently, the proposed facility is needed to meet the engineering requirements of T-Mobile; that the proposed facility is designed to meet all setback requirements; that the proposed cell tower and equipment is designed to be enclosed within a 8' security fence; that evergreens are planned to be installed around the perimeter of this security fence for additional screening purposes; that the subject property will be landscaped with drought resistant ground cover so that it will not be overgrown with weeds or grass; that the proposed facility will be an unmanned facility and therefore will not generate any traffic except for occasional service vehicles; that the proposed facility will be constructed in accordance with all laws concerning public health, safety and welfare; that the proposed facility is designed not to have any adverse impact on the health or general welfare of the community or have any effect on the pedestrian right of way; that the proposed facility will increase the wireless communication coverage and capacity of T-Mobile in this area; that the proposed facility will generate new tax revenue by putting the property back on the real estate tax rolls; that the proposed facility will put a vacant parcel back to productive use; and

WHEREAS, Mr. Terrence O'Brien testified on behalf of the Applicant; that his credentials as an expert in real estate appraisal were acknowledged by the Board; that he has physically inspected the subject property and its surrounding area; that his findings are contained in his report on the subject property; his report was submitted and accepted by the Board; that his report fully addresses all of the criteria identified in this Zoning Ordinance which must be addressed in support of such an application; that he then orally testified that the proposed special use: (1) complies with all applicable standards of this Zoning Ordinance; (2) is in the interest of the public convenience as there is a need for the proposed facility in this specific location as studies done by the Applicant indicate many dropped calls in this area and as there is definitely a need to improve wireless

communications; (3) will have no adverse impact on the general welfare of the neighborhood as the subject property is zoned for business and but for the fact there is no colocation at present at the proposed facility, the proposed facility would be allowed as a matter of right as collocated wireless facilities are an allowed use at this location; (4) is compatible with the character of the surrounding area in terms of site planning, building scale and project design because the proposed site is designed to have passive open space which is compatible with the immediate vicinity of residential use; and

WHEREAS, Mr. Samko further testified that the proposed facility will have open space improved with picnic tables and benches on the subject property; and

WHEREAS, in response to questions by the Board, Mr. Leach explained that in contrast to Board Calendar Nos. 277-16-S and 278-16-Z, the open space will not have a fence around it; that only the tower will have a security fence around it; that the Applicant will ensure that the site is properly maintained, such as shoveling snow and repairing benches; and

WHEREAS, Ms. Angel Hatcher, of 7345 S. Sangamon, testified in objection to the application; that as Stagg School is directly across the street from the subject property, she is concerned about her children's health and safety; that the Federal Communications Commission does not allow a wireless tower within 1000 feet of a school; that cellphone communication towers can cause cancer to both adults and children; that there are people in the vicinity with pacemakers; that the proposed facility could affect said pacemakers; that she is concerned about woodpecker migration; that while she likes the idea of open space, the community is a war zone and there is no protection;

WHEREAS, contrary to the Board's Rules of Procedure which require that a continuance be requested at the beginning of any hearing, Ms. Hatcher then requested a continuance for the purpose of conducting more research as to the aforementioned environmental effects of the proposed facility; and

WHEREAS, in response to Ms. Hatcher's objections, Mr. Leach explained that the Federal Communications Commission had no regulation that prohibited wireless communications facilities within 1000 feet of a school; that in fact, the Chicago Public Schools ("CPS") has forty (40) T-Mobile co-location satellites on top of CPS schools; that other suburban school districts also have T-Mobile co-location satellites atop their schools; that pursuant to Section 332 of Title 47 of the United States Code, 47 U.S.C.A § 332(c)(7)(iv) (West 2016), no state or local government may regulate the placement and construction of wireless facilities on the basis of the environmental effects of radiofrequency to the extent that such facilities comply with the Federal Communication Commission's regulations concerning such emissions; that the proposed tower does meet and exceed all standards of the Federal Communication Commission; that the Applicant has no control over the community; that the Applicant has offered open space; that the Applicant did offer to do a community garden at the subject property, but the Alderman feared that no one in the community would want to maintain it; that he did not know if

the proposed facility would have any effect on migrating birds but did not suspect that it would; and

WHEREAS, Ms. Hatcher renewed her request for a continuance; and

WHEREAS, the Board acknowledges that pursuant to 65 ILCS 5/11-13-7a an objector within the required notice period may request a continuance for the purpose of providing evidence to rebut testimony given by the Applicant; that Ms. Hatcher's request for a continuance was to present evidence to the Board of the environmental effects of the proposed facility; that pursuant to Section 332 of Title 47 of the United States Code, 47 U.S.C.A § 332(c)(7)(iv) (West 2016), no state or local government may regulate the placement and construction of wireless facilities on the basis of the environmental effects of radiofrequency to the extent that such facilities comply with the Federal Communication Commission's regulations concerning such emissions; that, therefore, federal law preempts the Board from considering any evidence Ms. Hatcher could provide on this subject; that, in consequence, any evidence given by Ms. Hatcher on the environmental effects of this proposed facility would not rebut the testimony given by the Applicant; and

WHEREAS, as the request for a continuance was made to introduce evidence federal law preempts the Board from considering, the Board denied Ms. Hatcher's request for a continuance; and

WHEREAS, the staff of the Department of Planning and Development recommended approval of the proposed special use; and

WHEREAS, the Applicant has presented evidence that no existing facility or structure can accommodate the Applicant's proposed facility pursuant to Section 17-9-0188-D of the Chicago Zoning Ordinance; and

WHEREAS, the Applicant has also presented evidence that the proposed application meets all of the criteria established in Section 17-13-0905-A for the granting of a Special Use; now, therefore,

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

1. The proposed special use complies with all applicable standards of this Zoning Ordinance.
2. The proposed special use is in the interest of the public convenience as there is a need for the proposed facility in this specific location as studies done by the Applicant indicate many dropped calls in this area and as there is definitely a need to improve wireless communications. Further, the proposed special use will not have an adverse impact on

the general welfare of the neighborhood as the proposed facility is an allowed use under the current zoning classification provided that there are two users for the proposed facility and will in fact benefit the general welfare of the neighborhood because it will put an exempt and vacant property back on the tax rolls.

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 because the proposed facility will be designed with passive open space including picnic tables, chess tables, checker tables and benches that is compatible with the residential use of the immediate vicinity.

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 because the proposed special use will not generate any traffic except for occasional service vehicles.

5. The proposed special use is designed to promote pedestrian safety and comfort because the Applicant designed the proposed special use to include public open space improved with picnic tables, chess tables, checker tables and benches located in a courtyard area and because the Applicant will maintain the subject property, including the shoveling of snow and removal of trash.

RESOLVED, the Board finds that the Applicant has proved its case by testimony and evidence covering the five specific criteria of Section 17-13-0905-A of the Chicago Zoning Ordinance.

RESOLVED, the Board finds that the Applicant has shown by testimony and other evidence that pursuant to Section 17-9-0118-D of the Chicago Zoning Ordinance no existing facility can accommodate the Applicant's proposed facility as no existing wireless communication facility or structure are located within the geographic area to meet the Applicant's engineering requirements.

RESOLVED, the aforesaid special use application is hereby approved, and the Zoning Administrator is authorized to permit said special use subject to the following condition, pursuant to the authority granted by Section 17-13-0906 of the Chicago Zoning Ordinance:

1. The Applicant shall fence the open space with a fence similar to the fence depicted on the plans shown to the Board by the Applicant for 400 E. 107th Street (Board Cal. Numbers 277-16-S and 278-16-Z).

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: EZMB, LLC

CAL NO.: 280-16-Z

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:
June 17, 2016

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1427 W. Grand Avenue

NATURE OF REQUEST: Application for a variation to reduce the north front setback from the required 8.04' to zero, the south front setback from 9.58' to 1', the east setback from 5' to zero, for a proposed four-story, four dwelling unit building with an attached garage with front drive access on Ferdinand Street.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

JUL 19 2016
CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
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 June 17, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 2, 2016 ; and

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

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

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Regal, Inc.

CAL NO.: 76-16-Z

APPEARANCE FOR:

MINUTES OF MEETING:
June 17, 2016

APPEARANCE AGAINST:

PREMISES AFFECTED: 6947 S. South Chicago Avenue

NATURE OF REQUEST: Application for a variation for the approval of the establishment of a public place of amusement license for a proposed banquet hall within 125' of an RS-3, Residential Single-Unit (Detached House) District.

ACTION OF BOARD-
WITHDRAWN ON MOTION OF THE APPLICANT

JUL 19 2016

CITY OF CHICAGO

THE VOTE

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
SAMTOIA
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: 1110 North Ashland, LLC

CAL NO.: 93-16-Z

APPEARANCE FOR:

MINUTES OF MEETING:
June 17, 2016

APPEARANCE AGAINST:

PREMISES AFFECTED: 1108-10 N. Ashland Avenue

NATURE OF REQUEST: Application for a variation to allow for the establishment of a sixth residential unit on a lot whose area of 5,500 square feet is no less than 90% of the required 6,000 square feet for a proposed, four-story, six-unit building; the ground floor will contain office/retail space and two, enclosed parking spaces, four additional surface parking spaces will be provided in the rear.

ACTION OF BOARD-
WITHDRAWN ON MOTION OF THE APPLICANT


THE VOTE

JUL 19 2016

CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
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



Sandeep Gupta
APPLICANT

119-16-Z
CALENDAR NUMBER

2241 N. Cleveland Avenue
PREMISES AFFECTED

June 17, 2016
HEARING DATE

Sara Barnes
APPEARANCE FOR APPLICANT

Katherine Erwin
OBJECTOR

NATURE OF REQUEST

Application for a variation to reduce the north side setback from 2' to 0'; to reduce the south side setback from 2' to 0'; and to reduce the combined side setback from 4.8' to 0' for a proposed second floor rear addition to an existing two-story single-family residence and to allow the 126 square feet of rear yard open space to be provided on the rooftop deck proposed to be established on the proposed rear detached one-car garage which will be accessed via an open stair exceeding 6' in height.

ACTION OF BOARD

THE VOTE

The application for a variation is approved.

AUG 23 2016
CITY OF CHICAGO

	APPROVE	DENY	ABSENT
Blake Sercye, Chairmain	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sol Flores	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sheila O'Grady	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Amanda Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

THE RESOLUTION OF THE BOARD

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on June 17, 2016, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance ("Zoning Ordinance") and by publication in the *Chicago Sun-Times*, and as continued without further notice as provided under Section 17-13-0108-A of this Zoning Ordinance; and

WHEREAS, Ms. Sara Barnes, counsel for the Applicant, explained the history of the affected property and the underlying nature of the relief sought; that the subject property is currently improved with a two-story single family home ("Home") that is part of a five (5) unit row house; that original construction of the row house dates from 1891; that due

APPROVED AS TO SUBSTANCE
[Signature]
CHAIRMAN

to the fact the Home is part of the row house, the subject property is an Chicago Landmarks orange-rated building ("Orange-Rated Building") and is located in the Mid-North Landmark District; that the rear of the subject property contains a concrete slab that contains on-site parking and outdoor storage for the Applicant; that the slab is accessed via a 9' easement which runs along and benefits each of the units in the row house; that the Applicant would like to erect a new detached garage behind his home and locate a new roof deck above the proposed garage; that the subject property is only approximately 100' deep exclusive of the 9' easement; that with the 9' easement, the overall depth of the lot is about 92'; that therefore the subject property is 33' shorter than a standard lot; that there is no alley access along the rear of the subject property; and

WHEREAS, Ms. Barnes explained that to permit the new garage with roof deck, the Applicant needed to: (1) reduce the required north and south side setbacks from 2' to 0'; (2) reduce the total combined side yard setbacks from 4.8' to 0'; and (3) relocate the rear yard open space above grade on the roof deck of the proposed garage; that the Applicant is only seeking a variation to permit the erection of the garage; that the proposed second floor addition can be built as of right; and

WHEREAS, in response to questions by the Board, Ms. Barnes again explained that there is no rear alley access to the subject property; that instead, there is an easement that runs along the rear of the five (5) unit row house and acts as a secondary form of ingress and egress to the rear of the row house (e.g., as a driveway); that the true hardship in this case is the fact that the easement is very narrow at 9' wide; and

WHEREAS, Mr. Sandeep Gupta, the Applicant, testified in support of the application; that the subject property is currently improved with the Home; that the area behind the Home is currently fully paved; that this is the area where he and his wife park their car and store tools and bicycles; that this area is the only usable outdoor space for the subject property; that the subject property is approximately 24' x 100'; that the subject property is therefore a substandard lot both in width and depth; that with respect to lot depth, the subject property is 25' shorter than a standard City lot; that the subject property is landlocked as it has no rear alley; that the subject property is able to be accessed via an easement that runs north and south to the benefit of all southern property owners; that the proposed garage will not infringe on any other person's right to said easement; that the row house to which the Home is attached dates back to the 1890s; that the row house is an Orange-Rated Building; that as the Home is located in an Orange-Rated Building, when the Applicant purchased the subject property in 2006, the Applicant worked with the City's Landmarks Commission ("Landmarks") to ensure all rehabilitation was properly permitted; that the Applicant's car has been broken into on several occasions on the subject property; that the Applicant has found vagrants in the rear of the subject property on occasion; that the Applicant has called 311 to report a disturbance at the subject property; that there are therefore currently legitimate safety concerns with the rear area of the subject property; and

WHEREAS, Mr. Gupta then testified that the proposed garage will be one-story in height; that it will be detached from the principal residence; that it will follow the

Home's north and south building lines straight back; that the garage will therefore measure approximately 24' wide by 18' deep and will extend property line to property line; that the proposed garage will have a rooftop deck; that access to said rooftop deck will be via an open stair structure off the rear of the detached garage; that the proposed garage will only be able to park one vehicle at a time; that vehicle access to the garage will be made via the easement that runs along the rear of the subject property; that as the easement is approximately 9' wide, it is barely wide enough to fit a standard vehicle much less to provide an adequate turning radius for a standard vehicle; that as a result, after many meetings with the City's Department of Planning and Development ("Department"), the Applicant determined he would need to recess the proposed garage an additional 4' off of the easement; that in consequence, the rear of the garage will actually be set off of the rear property line by 12'; that this will allow the minimum amount of room necessary to turn a vehicle into the proposed garage at an angle; that the 4' will therefore serve as the Applicant's driveway; that because the proposed garage will be 12' off of the rear property line, the garage will be pushed into the development area of the subject property by just over 2'; that this means the proposed garage must meet the required side setback requirements for the subject property as if it were a principal building rather than an accessory building; that again, the hardship with respect to the subject property is twofold: (1) the subject property is only 100'; and (2) there is a 9' wide restrictive easement running near the rear of the subject property; that if the subject property were a standard City lot, the Applicant would be able to build the garage as of right; and

WHEREAS, Mr. Gupta then testified that in order to permit the proposed garage, he needed a variation for the following: (1) to reduce the required north and south side setbacks; (2) to reduce the combined total side setbacks; and (3) to relocate the required rear yard open space for the subject property on the proposed rooftop deck over the proposed garage; that the proposed garage with rooftop deck is consistent with the character of development in the neighborhood; that the proposed garage with rooftop deck is almost a mirror image of a garage recently permitted and constructed on one of the other units of the row house; that with respect to the request to relocate the open yard space to the proposed rooftop deck, as the subject property is only 92' deep there is not enough lot area to meet the open space requirements; that the proposed deck will contain 412 square feet of usable space which is well over the 126 square feet minimum; that part of the program of development for the rooftop deck is to install a rain barrel as well as six planters and landscaping; that the proposed rooftop deck will function as the Home's primary outdoor space; that he purchased the subject property ten (10) years ago for just over \$1 million; that to date, he has spent over \$200,000 rehabilitating the subject property and will spend an additional \$250,000 to complete the proposed improvement, including the erection of the proposed garage; that he intends to live in the Home for a long time; that he appeared before the Landmarks Review Committee in August 2015; that the Landmarks Review Committee recommended approval of the proposed garage with rooftop deck as it determined that the proposed garage with rooftop deck would not have an adverse impact on the significant historic or architectural features of the landmarked property; and

WHEREAS, Mr. Sam Martorina testified on behalf of the Applicant; that he was a licensed architect in the State of Illinois; that when preparing the plan of development for the rear improvements on the subject property, he was forced to overcome the hardships of the length of the lot being only 100' and the easement that ran along the back of the lot; that the lot is a short lot; that on top of being a short lot, the subject property also has the aforementioned easement; that he designed a second floor addition that could be built as of right but it was a challenge to design the garage; that he worked closely with the Department to design the proposed garage; that the Applicant had approval of the Landmarks Review Committee for the proposed garage; that the requested variation would not increase the danger of fire or danger to the public safety; that the requested variation will not substantially increase congestion in the public street; that the requested variation will not substantially diminish or impair property values in the area; that the requested variation will not alter the essential character of the neighborhood; and

WHEREAS, Mr. Sylvester J. Kerwin testified on behalf of the Applicant; that his credentials as an expert in real estate appraisal were acknowledged by the Board; that he has physically inspected the subject property and its surrounding area; that his findings are contained in his report on the subject property; his report was submitted and accepted by the Board; that the five (5) unit row house containing the Home was built in approximately 1890; that all the units in the row house are built lot line to lot line and share a party wall; that the private easement is accessed from a public alleyway; that almost all of the garage buildings in the neighborhood are located at the rear of the side lot lines; that the property next north of the row house at 459 W. Belden has a two (2) car detached garage with rooftop deck that is located at the rear lot line; that the southernmost unit in the five (5) unit row house (2235 N. Cleveland) has a two (2) car detached garage with a rooftop deck and second floor addition; that three (3) of the units in the row house have rooftop decks over the one story section of their residences; that the unit abutting the subject property to the north (2243 N. Cleveland) does not have a rooftop deck but does have a second floor addition; that therefore the other units in the row house have similar rear improvements to the Applicant's proposed rear yard improvements; that in fact, the rear improvements at 2235 N. Cleveland are nearly identical to the rear improvements beings proposed by the Applicant; that in addition to the aforementioned examples, there are other similar rear improvements in the neighborhood, especially with respect to the relocation of rear yard open space onto a rooftop deck; and

WHEREAS, Mr. Kerwin then testified that the proposed variation will not be detrimental to the public welfare or injurious to other improvements in the area as the proposed variation is already in existence at many of the neighboring garage properties in the area, including the southernmost unit in the five (5) unit row house (2235 N. Cleveland); that the proposed variation will not impair an adequate supply of light and/or air to the adjacent property as the proposed variation will not impact any living area, the property next north has a garage at the rear plus a second floor addition, the property next south has a seven foot (7') high fence along the lot line and the property next east has a second floor addition; that the proposed variation will not increase congestion in the public streets as it will be removing a car from the street; that based on his research and

analysis of current market prices in the area, the proposed variation will have no adverse effect to the market prices in the area due to the existence of similar variations in the neighborhood; that the variation will not alter the essential character of the neighborhood as two (2) of the five (5) units in the row house already have garages with rooftops or decks and the other units in the row house have open decks on top of one story additions; and

WHEREAS, Ms. Katherine Erwin, of 2243 N. Cleveland, testified in objection to the application; that Alderman Smith is in strong opposition to the proposed variation as it impacts the use and character of the five (5) unit row house; that the two properties at the two ends of the five (5) unit row house are completely different than the three properties in the middle of the five (5) unit row house; that therefore the comparison of the subject property to the two properties at the ends of the row house is completely specious; that the garages for those two properties have been in existence for many years as part of the historical row house and have access from the public ways (the public alley to the north side and Grant Place to the south side); that the proposed variation negatively impacts the feel of the open space; that the other three units in the five (5) unit row house have other concerns to the proposed variation; that these concerns have been provided via letter to the Board; that drainage is a concern as the drainage situation has already changed by the pavers the Guptas have installed in their backyard; that the ground is no longer absorbing the water the way it was; that her property – as the property next north to the subject property – will have its light and air flow impacted as she will be going from an opening of six to seven feet (6'-7') down to one to three feet (1'-3'); that the recent police call mentioned by Mr. Gupta was due to a verbal altercation with her husband; that therefore the safety concerns raised by the Guptas are straw man arguments; that again, her objections to the proposed variation are the drainage issues, the air issues, the light issues and the significant impact to the general character of the neighborhood; and

WHEREAS, in response to the concerns raised by Ms. Erwin, Ms. Barnes reminded the Board of Mr. Kerwin's testimony that the improvement fits within the character of the neighborhood; that with respect to drainage, she further explained that currently the rear of the subject property is completely concrete; that therefore the Applicant will be improving the water retention at the site by adding the rain barrels and the other permeable materials and landscaping; and

WHEREAS, Ms. Erwin stated that it was concrete pavers; that pavers have some permeability; and

WHEREAS, Ms. Barnes continued that with the proposed improvements, the roof deck of the garage, the rain barrels, the landscaping and the other permeable materials should only act to improve the current water condition for the block; that with respect to air and light, there is a seven foot (7') fence that is built lot line to line right now; that the Applicant will only be going a bit above this seven feet (7'); that Ms. Erwin only has weeds on her property; that there is a very legitimate safety concern as materials have been thrown over the existing fence onto the Applicant's rear yard; and

WHEREAS, Mrs. Anupy Gupta, wife of the Applicant, testified in greater detail as to the aforementioned safety concerns; and

WHEREAS, Section 17-13-1101-A of the Chicago Zoning Ordinance grants the Zoning Board of Appeals authority to grant a variation to permit required rear open space to be located on a deck or patio located more than four (4) feet above ground; and

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

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

1. The Board finds pursuant to Section 17-13-1107-A that the Applicant has proved its case by testimony and other evidence that strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property due to the substandard size of the subject property and the subject property's lack of alley access. Further, the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance.
2. The Board finds pursuant to Section 17-13-1107-B that the Applicant has proved by testimony and other evidence that: (1) the property in question cannot yield a reasonable rate of return if permitted to be used only in accordance with the standards of this Zoning Ordinance because the nine foot (9') easement prevents the Applicant from erecting the new garage as of right; (2) the practical difficulty or particular hardship of the property – namely, the substandard size of the subject property as well as the subject property's lack of rear alley – is due to the unique circumstances – namely the nine foot (9') easement – and is not generally applicable to other similarly situated property; and (3) the variation, if granted, will not alter the essential character of the neighborhood as very credibly testified to by Mr. Kerwin.
3. The Board, in making its determination pursuant to 17-13-1107-C that a practical difficulty or particular hardship did exist, took into account that evidence was presented that: (1) the particular topographical condition of the specific property involved – namely, the substandard lot size, the lack of alley access, and the nine foot (9') easement – would result in particular hardship upon the Applicant if the strict letter of the regulations were carried out; (2) the substandard lot size, the lack of alley access, and the nine foot (9') easement are not applicable, generally, to other property in the RM-5 zoning district; (3) the purpose of the variation is not based exclusively upon a desire to make more money out of the property as the Applicant currently lives on the subject property and will continue to live on the subject property; (4) the substandard lot size, the

lack of alley access, and the nine foot (9') easement were not created by any person having an interest in the subject property; (5) the granting of the variation will not be detrimental to public welfare or injurious to other property as very credibly testified to by Mr. Kerwin; and (6) the proposed variation will not impair an adequate supply of light and air to adjacent property as very credibly testified to by Mr. Kerwin, or substantially increase the congestion in the public streets as very credibly testified to by Mr. Kerwin, or increase the danger of fire as very credibly testified to by Mr. Kerwin, or endanger the public safety as very credibly testified to by Mr. Kerwin, or substantially diminish or impair property values within the neighborhood as very credibly testified to by Mr. Kerwin.

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

RESOLVED, the aforesaid variation application is hereby approved, and the Zoning Administrator, is authorized to permit said variation.

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

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

APPLICANT: Denny Development, LLC **CAL NO.:** 181-16-Z

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

July 17, 2016 *[Signature]*

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3423 N. Hamilton Avenue

NATURE OF REQUEST: Application for a variation to reduce the required rear setback from 34.72' to 2.33', the north setback from 2' to zero (south setback to be 2'), the total combined side setback from 5' to 2' for a detached two-car private garage with roof deck, an attached fireplace and one open stairwell providing access to the garage roofdeck.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

JUL 19 2016

CITY OF CHICAGO

BLAKE SERCYE
SOL FLORES
SHEILA O'GRADY
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 June 17, 2016 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 31, 2016 ; and

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

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

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

APPROVED AS TO SUBSTANCE
[Signature]
CHAIRMAN