

MARCH 15, 2019

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

APPLICANT: Skyriver Archer Development, LLC **CAL NO.:** 136-19-Z

APPEARANCE FOR: Rich Toth **MINUTES OF MEETING:**

March 15, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3188 S. Archer Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 30' to 10' on floors containing dwelling units for a proposed four-story building with general retail sales and twenty-four dwelling unit building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 1, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 10' on floors containing dwelling units for a proposed four-story building with general retail sales and twenty-four dwelling unit building; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

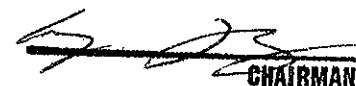
RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the aforesaid variation request be and it hereby is granted subject to the following condition(s):

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

APR 22 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Skyriver Archer Development, LLC **CAL NO.:** 137-19-Z
APPEARANCE FOR: Rich Toth **MINUTES OF MEETING:** March 15, 2019
APPEARANCE AGAINST: None
PREMISES AFFECTED: 3198 S. Archer Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear yard setback from the required 30' to 10' on floors containing dwelling units for a proposed four-story building with ground floor retail and twenty-four dwelling units above.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

FARZIN PARANG
 SHAINA DOAR
 SYLVIA GARCIA
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 1, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear yard setback to 10' on floors containing dwelling units for a proposed four-story building with ground floor retail and twenty-four dwelling units above; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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



APR 22 2019

CITY OF CHICAGO
 ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Skyriver Archer Development, LLC

CAL NO.: 138-19-Z

APPEARANCE FOR: Rich Toth

MINUTES OF MEETING:
March 15, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3210 S. Archer Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear yard setback from the required 30' to 10' on floors containing dwelling units for a proposed four-story building with ground floor retail and twenty-four dwelling units above.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 1, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear yard setback to 10' on floors containing dwelling units for a proposed four-story building with ground floor retail and twenty-four dwelling units above; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

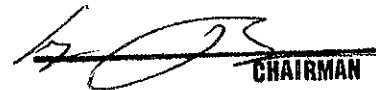
RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the aforesaid variation request be and it hereby is granted subject to the following condition(s):

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

APR 22 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Skyriver Archer Development, LLC

CAL NO.: 139-19-Z

APPEARANCE FOR: Rich Toth

MINUTES OF MEETING:
March 15, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3218 S. Archer Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear yard setback from the required 30' to 10' on floors containing dwelling units for a proposed four-story building with ground floor retail sales and twenty-four dwelling units above.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 1, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear yard setback to 10' on floors containing dwelling units for a proposed four-story building with ground floor retail sales and twenty-four dwelling units above; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

APR 22 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS


CHAIRMAN

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

APPLICANT: Beverage Art II dba Wild Blossom II Southworks Brewing Co. **CAL NO.:** 140-19-Z

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
March 15, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 9016-30 S. Hermitage Avenue

NATURE OF REQUEST: Application for a variation to establish a public place of amusement license to provide live entertainment and retail space within an existing brewery which is located within 125' of a residential district.

ACTION OF BOARD-
Continued to April 19, 2019 at 9:00 a.m.

THE VOTE

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
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: Moreno's Discount Liquors, Inc. dba Osito's Tap

CAL NO.: 141-19-S

APPEARANCE FOR: Richard Velazquez

MINUTES OF MEETING:
March 15, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2553 S. Ridgeway Avenue

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

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

FARZIN PARANG

SHAINA DOAR

SYLVIA GARCIA

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 March 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 1, 2019; and

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


RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the special use is issued solely to the applicant, Moreno's Discount Liquors, Inc. dba Osito's Tap and the development is consistent with the design and layout of the plans and drawings dated January 2, 2019, prepared by Jurassic Studio.

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

APR 22 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Antoine Bryant

CAL NO.: 142-19-S

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
March 15, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 5956 S. Racine Avenue

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

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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X		
		X

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-times on March 1, 2019; and

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

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

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

APR 22 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE


CHAIRMAN

APPLICANT: Adolfo Orozco

CAL NO.: 143-19-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
March 15, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2012 W. Coulter Avenue

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 9.44' to 8.4', east setback from 2' to 1.88', west setback from 2' to 1.27', combined side setback from 4.8' to 3.15' to replace the existing basement frame walls with masonry and concrete of the existing single family residence.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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X		
		X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 1, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the front setback to 8.4', east setback to 1.88', west setback to 1.27', combined side setback to 3.15' to replace the existing basement frame walls with masonry and concrete of the existing single family residence; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APR 22 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Chi Partners, LLC 5500 Series **CAL NO.:** 144-19-Z
APPEARANCE FOR: Paul Kolpak **MINUTES OF MEETING:**
March 15, 2019
APPEARANCE AGAINST: None
PREMISES AFFECTED: 5500 N. Nottingham Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 36.60' to 2.62', north setback from 4.36' to 0.36', south setback from 4.36' to 3.55', combined side setback from 13.10' to 3.71' for the subdivision of an existing zoning lot into two lots. The existing single family residence shall remain.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

FARZIN PARANG
 SHAINA DOAR
 SYLVIA GARCIA
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 1, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 2.62', north setback to 0.36', south setback to 3.55', combined side setback to 3.71' for the subdivision of an existing zoning lot into two lots; an additional variations were granted to the Subject Property in Cal. No. 145-19-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

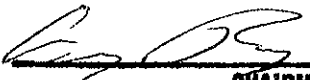
RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the aforesaid variation request be and it hereby is granted subject to the following condition(s):

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

APR 22 2019

CITY OF CHICAGO
 ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Chi Partners, LLC 5500 Series

CAL NO.: 145-19-Z

APPEARANCE FOR: Paul Kolpak

MINUTES OF MEETING:
March 15, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 5500 N. Nottingham Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear yard open space from the required 400 square feet to 78 square feet to allow the subdivision of an existing zoning lot into two zoning lots. The existing single family residence shall remain.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 1, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear yard open space to 78 square feet to allow the subdivision of an existing zoning lot into two zoning lots; an additional variations were granted to the Subject Property in Cal. No. 144-19-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APR 22 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE


CHAIRMAN

APPLICANT: Chi Partners, LLC 5500 Series

CAL NO.: 146-19-Z

APPEARANCE FOR: Paul Kolpak

MINUTES OF MEETING:
March 15, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 5462 N. Nottingham Avenue

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 76.21' to 14', north setback from 4.29' to 3' south from 4.29' to 3.08', combined setback from 12.87' to 6.08' for a proposed two-story single family residence with an attached two-car garage.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 1, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the front setback to 14', north setback to 3' south to 3.08', combined setback to 6.08' for a proposed two-story single family residence with an attached 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.

APR 22 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Marcus Trivedi Declaration of Trust dated 9/20/06

CAL NO.: 147-19-Z

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:
March 15, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2224 N. Halsted Street

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 15' to 13.83', north from 2' to 0.33', combined side setback from 5' to 3.33' rear for the detached garage from 2' to 1.44' for a proposed three-story, single family residence with a roof deck and detached garage.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 1, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the front setback to 13.83', north to 0.33', combined side setback to 3.33' rear for the detached garage to 1.44' for a proposed three-story, single family residence with a roof deck and 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

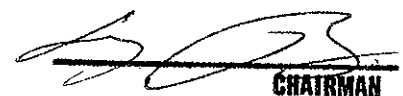
RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the aforesaid variation request be and it hereby is granted subject to the following condition(s):

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

APR 22 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Chicago Fuel, LLC

CAL NO.: 148-19-S

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:

APPEARANCE AGAINST: None

March 15, 2019

PREMISES AFFECTED: 43 N. Homan Boulevard

NATURE OF REQUEST: Application for a special use to establish a gas station with nine pumps and a one-story accessory retail building.

ACTION OF BOARD-

Continued to April 19, 2019 at 9:00 a.m.

APPROVED AS TO SUBSTANCE

CHAIRMAN

APPLICANT: Joseph Martin Brown

CAL NO.: 149-19-Z

APPEARANCE FOR: C. Harrison Cooper

MINUTES OF MEETING:
March 15, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3735 N. Wayne Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 34.68' to 2', north setback from 3' to zero, south setback from 3' to zero, combined side setback from 6' to zero for a proposed rear yard connection from the principal building to the garage roof deck.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 1, 2019; and

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

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

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

APR 22 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: 4031 N. Elston, LLC

CAL NO.: 150-19-S

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
March 15, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4033 N. Elston Avenue

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

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
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 March 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-
times on March 1, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish residential use below the second floor for a proposed four-story, four dwelling unit building; two variations were also granted to the subject property in Cal. Nos. 151-19-Z and 152-19-Z; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

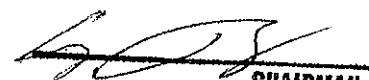
RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the special use provided the development is consistent with the design and layout of the plans and drawings dated December 19, 2018, prepared by Axios Architect and Consultants.

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

APPROVED AS TO SUBSTANCE

APR 22 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS


CHAIRMAN

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

APPLICANT: 4031 N. Elston, LLC

CAL NO.: 151-19-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
March 15, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4033 N. Elston Avenue

NATURE OF REQUEST: Application for a variation to reduce the minimum lot area from the required 4,000 square feet to 3,794.591 square feet for a proposed four-story, four dwelling unit building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X


WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 1, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the minimum lot area to 3,794.591 square feet for a proposed four-story, four dwelling unit building; a special use and an additional variation were granted to the subject property in Cal. Nos. 150-19-S and 152-19-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

APR 22 2019

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

APPLICANT: 4031 N. Elston, LLC

CAL NO.: 152-19-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
March 15, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4033 N. Elston Avenue

NATURE OF REQUEST: Application for a variation to increase the maximum allowed height of 45' to 49.29' which is not more than 10% for a proposed four-story, four dwelling unit building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X


WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 1, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to increase the maximum allowed height to 49.29' which is not more than 10% for a proposed four-story, four dwelling unit building; a special use and an additional variation were granted to the subject property in Cal. Nos. 150-19-S and 151-19-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

APR 22 2019

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

APPLICANT: 4031 N. Elston, LLC

CAL NO.: 153-19-S

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
March 15, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4035 N. Elston Avenue

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

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
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 March 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-times on March 1, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish residential use below the second floor for a proposed four-story, four dwelling unit building; two variations were also granted to the subject property in Cal. Nos. 154-19-Z and 155-19-Z; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings January 25, 2019, prepared by Axios Architect and Consultants.

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

APR 22 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE

[Signature]
CHAIRMAN

APPLICANT: 4031 N. Elston, LLC **CAL NO.:** 154-19-Z
APPEARANCE FOR: Nicholas Ftikas **MINUTES OF MEETING:** March 15, 2019
APPEARANCE AGAINST: None
PREMISES AFFECTED: 4035 N. Elston Avenue

NATURE OF REQUEST: Application for a variation to increase the maximum allowed height from 45' to 49.29' which is not more than 10% for a proposed four-story, four dwelling unit building.

**ACTION OF BOARD-
 VARIATION GRANTED**

THE VOTE

FARZIN PARANG
 SHAINA DOAR
 SYLVIA GARCIA
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

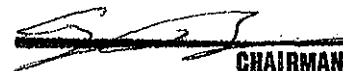
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 1, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to increase the maximum allowed height to 49.29' which is not more than 10% for a proposed four-story, four dwelling unit building; a special use and an additional variation were granted to the subject property in Cal. Nos. 153-19-S and 155-19-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE


 CHAIRMAN

APR 22 2019

APPLICANT: 4031 N. Elston, LLC
APPEARANCE FOR: Nicholas Ftikas
APPEARANCE AGAINST: None
PREMISES AFFECTED: 4039 N. Elston Avenue

CAL NO.: 155-19-S

MINUTES OF MEETING
 March 15, 2019

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

ACTION OF BOARD-APPLICATION APPROVED

THE VOTE

FARZIN PARANG
 SHAINA DOAR
 SYLVIA GARCIA
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

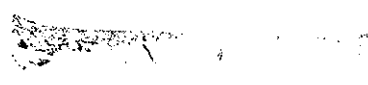
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting on March 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Times on March 1, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish residential use below the second floor for a proposed four-story, four dwelling unit building two variations were also granted to the subject property in Cal. Nos. 156-19-Z and 157-19-Z; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; 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 operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings January 26, 2019, prepared by Axios Architect and Consultants.

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



APPROVED AS TO

APR 22 2019
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

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

APPLICANT: 4031 N. Elston, LLC

CAL NO.: 156-19-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
March 15, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4039 N. Elston Avenue

NATURE OF REQUEST: Application for a variation to reduce the minimum lot area from the required 4,000 square feet to 3,814.883 square feet for a proposed four-story, four dwelling unit building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

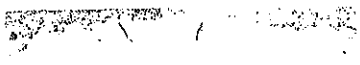
AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 1, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the minimum lot area to 3,814.883 square feet for a proposed four-story, four dwelling unit building; a special use and an additional variation were granted to the subject property in Cal. Nos. 155-19-S and 157-19-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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



APR 22 2019

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 4031 N. Elston, LLC

CAL NO.: 157-19-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
March 15, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4039 N. Elston Avenue

NATURE OF REQUEST: Application for a variation to increase the height from the maximum 45' to 49.29' which is not more than 10% for a proposed four-story, four dwelling unit building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

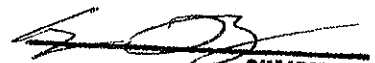
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 1, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to increase the height to 49.29' which is not more than 10% for a proposed four-story, four dwelling unit building; a special use and an additional variation were granted to the subject property in Cal. Nos. 155-19-S and 156-19-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE



CHAIRMAN

APR 22 2019

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

APPLICANT: 4031 N. Elston, LLC

CAL NO.: 158-19-S

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
March 15, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4041 N. Elston Avenue

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

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
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 March 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 1, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish residential use below the second floor for a proposed four-story, four dwelling unit building; two variations were also granted to the subject property in Cal. Nos. 159-19-Z and 160-19-Z; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings January 31, 2019, prepared by Axios Architect and Consultants.

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

APR 22 2019

APPLICANT: 4031 N. Elston, LLC

CAL NO.: 159-19-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
March 15, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4041 N. Elston Avenue

NATURE OF REQUEST: Application for a variation to reduce the minimum lot area from the required 4,000 square feet to 3,997.618 square feet for a proposed four-story, four dwelling unit building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 1, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the minimum lot area to 3,997.618 square feet for a proposed four-story, four dwelling unit building; a special use and an additional variation were granted to the subject property in Cal. Nos. 158-19-S and 160-19-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APR 22 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: 4031 N. Elston, LLC

CAL NO.: 160-19-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:

March 15, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4041 N. Elston Avenue

NATURE OF REQUEST: Application for a variation to increase the height from the maximum 45' to 49.29' which is not more than 10% for a proposed four-story, four dwelling unit building.

ACTION OF BOARD- VARIATION GRANTED

THE VOTE

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

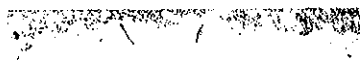
Table with 3 columns: AFFIRMATIVE, NEGATIVE, ABSENT. Rows for each name with 'X' marks in the Affirmative column.

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 1, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to increase the height to 49.29' which is not more than 10% for a proposed four-story, four dwelling unit building; a special use and an additional variation were granted to the subject property in Cal. Nos. 158-19-S and 159-19-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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



APPROVED AS TO SUBSTANCE

APR 22 2019

Handwritten signature and the word CHAIRMAN

APPLICANT: GMP Development, LLC

CAL NO.: 161-19-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
March 15, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3253 N. Elston Avenue

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 8.25' to 0.5', rear setback from 30' to zero on floors containing dwelling units, north and south setbacks from 2' each to zero for a proposed four-story, three dwelling unit building with roof deck, rear open deck and three enclosed parking stalls.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X


WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 1, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the front setback to 0.5', rear setback to zero on floors containing dwelling units, north and south setbacks to zero for a proposed four-story, three dwelling unit building with roof deck, rear open deck and three enclosed parking stalls; 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

APR 22 2019

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



MAY 20 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

Vidhi Properties, LLC
APPLICANT

162-19-S
CALENDAR NUMBER

1955 W. Monterey Avenue
PREMISES AFFECTED

March 15, 2019
HEARING DATE

ACTION OF BOARD

THE VOTE

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

	AFFIRMATIVE	NEGATIVE	ABSENT
Farzin Parang, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Shaina Doar	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sylvia Garcia	<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"/>

**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE SPECIAL USE APPLICATION FOR 1955 W.
MONTEREY AVENUE BY THE VIDHI PROPERTIES, LLC**

I. BACKGROUND

Vidhi Properties, LLC (the "Applicant") submitted a special use application for 1955 W. Monterey Avenue (the "subject property"). The subject property is currently zoned C1-2 and is currently vacant. The Applicant proposed to construct a Dunkin' Donuts restaurant. To permit this, the Applicant sought a special use to establish a one-lane drive-through. In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City's Department of Planning and Development (the "Department") recommended approval of the one-lane drive-through provided that the development is consistent with the design and layout of the plans and drawings dated January 8, 2019, including both the landscape and floor plans dated March, 2019, all prepared by Nick Scarlatis and Associates, Ltd.

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's special use application at its regular meeting held on March 15, 2019, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Sun-Times*. In accordance with the

APPROVED AS TO SUBSTANCE

CHAIRMAN

ZONING BOARD OF APPEALS' Rules of Procedure, the Applicant had submitted its proposed Findings of Fact. The Applicant's manager Mr. Viral Kheni and its attorney Mr. Nick Ftikas were present. The Applicant's architect Mr. Nikoletta Scarlatis and its MAI certified real estate appraiser Mr. Joseph M. Ryan were present. Testifying in opposition to the application was Mr. Tony Glenn. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

The Applicant's attorney Mr. Nick Ftikas summarized the Applicant's development plans for the subject property; namely, that the Applicant sought to construct a one-story restaurant building that would house a Dunkin' Donuts. He stated that the development plans for the subject property are all permitted with the exception of the drive-through lane which required a special use from the ZONING BOARD OF APPEALS. He stated that the City's Department of Transportation ("CDOT") had approved the plan for the drive-through, which called for a single point of ingress from Homewood Avenue and then a single point of egress back on Monterey Avenue.

The Applicant presented the testimony of its manger Mr. Viral Kheni. Mr. Kheni testified that the Applicant had a contract to purchase the subject property. He testified that the Applicant planned to develop the subject property with a new one-story building that will operate a Dunkin' Donuts. He testified that the Applicant's plan of development incorporated a single-lane drive-through to serve said Dunkin' Donuts. He testified that the Applicant planned to invest \$1.4 million in the subject property to keep the Dunkin' Donuts operational. He testified that the Applicant planned to hire twenty (20) full-time employees for the Dunkin' Donuts. He testified the Applicant worked very closely with both Alderman O'Shea's office and the Department. He testified that he has over fifteen (15) years of experience operating fast-food restaurants in the City. He testified that he is currently operating eight fast-food locations in the City, seven of which have drive-throughs. He testified that with respect to the proposed development on the subject property, the drive-through is critical to the Applicant's business plan as well as its franchise agreement with Dunkin' Donuts.

The Applicant presented the testimony of its project architect Mr. Nikoletta Scarlatis. Mr. Scarlatis testified that he designed the program of development for the Applicant's proposed restaurant and drive-through on the subject property. He testified that his plan included one-way ingress from South Homewood Avenue and one-way egress onto West Monterey Avenue. He testified that this was the design negotiated with CDOT. He testified that the goal was to separate the point of egress from the Metra train line that runs just to the west of the subject property on Monterey Avenue. He testified that the purpose of separating this point of egress from the Metra line was to minimize egress from the subject property interfering with potential traffic backup from the Metra train line. He testified that CDOT had approved the program of development. He testified that in addition to the drive-through, the plan of development incorporated eight (8) on-site parking spaces for customers. He testified that the program of development would function and operate in an efficient manner. He testified that in addition to CDOT approval of the program of development, the Applicant had also secured the

Department's approval with respect to the Applicant's landscape plan, which included a little over 2000 square feet of undisturbed land at the very south of the subject property.

The Applicant presented the testimony of its MAI certified real estate appraiser Mr. Joseph M. Ryan. Mr. Ryan testified that his assignment in this matter was to determine whether the Applicant's proposed special use complied with all criteria set forth in the Chicago Zoning Ordinance. He testified that he physically inspected the subject property as well as the surrounding area. He testified that he prepared a written zoning analysis report summarizing his findings and conclusions. He testified that he believed that the proposed special use met all criteria set forth in the Chicago Zoning Ordinance. He testified that there were numerous drive-through facilities in the neighborhood as well as in the City in general. He testified that the plan of development had sufficient car stacking to handle the traffic. He testified that the Metra station next to the property would benefit from the proposed special use. He testified that there was sufficient parking in the neighborhood and that the proposed special use would not cause a traffic problem because to ingress the drive-through, one would only have to drive ninety (90) feet down Homewood Avenue from Monterey Avenue. He testified that Homewood Avenue was a one-way southbound street at this location.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Ftikas explained that CDOT had not required the Applicant to do a traffic impact study. He stated that this was due to the size of the subject property, the size of the proposed restaurant, the fact that there is no required on-site parking for the restaurant (though the Applicant would provide eight on-site parking spaces) and the fact that the Applicant's program of development provided adequate car queuing. He stated that one of the main talking points between the Applicant and CDOT was to separate ingress and egress to the subject property. He testified that this is what is reflected in the Applicant's program of development and had been heavily negotiated.

Mr. Tony Glenn, of 11121-27 S. Homewood Avenue, testified in opposition to the application. He testified that it was his belief that the traffic in the neighborhood was already congested and that to add a drive-through at the subject property would make traffic a "nightmare," especially on Homewood Avenue. He testified that he had no objection to Dunkin' Donuts itself, only the proposed drive-through.

In response to Mr. Glenn's testimony, Mr. Ftikas stated that having ingress to the subject property from a side-street forced traffic away from the residential neighborhood as traffic egressed the subject property onto the commercial street of Monterey Avenue. He stated that the Applicant wanted to keep traffic away from the residential neighborhood to the south and it did so by ensuring that traffic did not egress the subject property onto a side street.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Ryan and Mr. Kheni provided further testimony with respect to car queuing and traffic back-up.

B. Criteria for a Special Use

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

III. FINDINGS OF FACT

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

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

As set forth in Mr. Ryan's report, the proposed program of development complies with all applicable standards of the Chicago Zoning Ordinance. It is only because the Applicant is proposing a one-lane drive-through on the subject property that a special use is required. Since the ZONING BOARD OF APPEALS has determined to grant the proposed special use, the ZONING BOARD OF APPEALS finds that the proposed special use complies with all applicable standards of the Chicago Zoning Ordinance.

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

The proposed special use is in the interest of the public convenience because, as set forth in Mr. Ryan's report, there is a demonstrated demand for restaurants with drive-throughs in the City. The proposed special use will not have a significant adverse impact on the general welfare of the neighborhood because the drive-through has been very well designed so that traffic generation will not be an issue. Ingress will occur off of Homewood Avenue and egress will occur on Monterey Avenue to ensure that traffic from the drive-through will stay on the commercial street of Monterey Avenue and not spill into the residential neighborhood to the south of the subject property. Further, egress from the drive-through is

adequately separated from the Metra train line to the west. In addition, the Applicant's site plan shows that there is adequate car stacking.

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

The proposed special use will be part of a Dunkin' Donuts restaurant development. This development will have a one-story restaurant and a parking lot. As set forth in Mr. Ryan's report, such a development will be compatible with the character of the surrounding area in terms of site planning and building scale and project design. West Monterey Avenue is a commercial street at this location and therefore small-scale commercial use is appropriate. As set forth in Mr. Ryan's report and as shown by the elevations, the project design of the development will enhance West Monterey Avenue. Further, and as testified by Mr. Scarlatis, great care was taken with respect to the site planning to ensure that the proposed drive-through would not impact traffic.

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

As noted above, great care was taken with respect to the design of the drive-through to ensure that it would not disturb the residential neighborhood to the south of the subject property. This may be seen in the fact that although ingress is off of the side street of Homewood Avenue, said ingress is only 90 feet off of Monterey Avenue. Further, egress from the proposed drive-through shall solely be onto the commercial street of Monterey Avenue. This will ensure that traffic from the proposed special use will not be a problem in the neighborhood. Hours of operation, outdoor lighting and noise will be consistent with other commercial uses in the area, including the Metra station just to the west of the subject property. There are also other fast-food uses in the area, as stated in Mr. Ryan's report.

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

As noted above, ingress and egress for the proposed drive-through (as well as ingress and egress to the subject property) shall be separated. Further, from the plans it is clear that there will be clear lines of sight for both drivers and pedestrians at these points of ingress and egress. There will also be on-site parking spaces for eight (8) cars. The proposed special use is therefore designed to promote pedestrian safety and comfort.

IV. CONCLUSION

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

The ZONING BOARD OF APPEALS hereby approves the Applicant's application for a special use, and pursuant to the authority granted to the ZONING BOARD OF APPEALS by Section 17-13-0906 of the Chicago Zoning Ordinance, the Zoning Administrator is authorized to permit said special use subject to the following condition:

1. The development shall be consistent with the design and layout of the plans and drawings dated January 8, 2019, including both the landscape and floor plans dated March, 2019, all prepared by Nick Scarlatis and Associates, Ltd.

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



MAY 20 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

Jennifer Nykaza Zwagerman

APPLICANT

163-19-Z

CALENDAR NUMBER

5269 N. Laporte Avenue

PREMISES AFFECTED

March 15, 2019

HEARING DATE

ACTION OF BOARD

THE VOTE

The application for the variation is approved.

	AFFIRMATIVE	NEGATIVE	ABSENT
Farzin Parang, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Shaina Doar	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sylvia Garcia	<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"/>

**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE VARIATION APPLICATION FOR 5269 N.
LAPORTE AVENUE BY JENNIFER NYKAZA ZWAGERMAN**

I. BACKGROUND

Jennifer Nykaza Zwagerman (the "Applicant") submitted a variation application for 5269 N. Laporte Avenue (the "subject property"). The subject property is currently zoned RS-2 and is currently improved with a single-family home and a partially-built garage. The single-family home is a Chicago-style bungalow. The Applicant proposed to finish construction of the garage as well as build a second floor addition to the single-family home. To permit this construction, the Applicant sought a variation to reduce: (1) the rear setback from the required 34.7' to 2'; (2) the south setback from 4' to 0.01' (north to be 0.75'); and (3) the combined side setback from 9.3' to 0.76'.

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's variation application at its regular meeting held on March 15, 2019, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Sun-Times*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure, the Applicant had submitted her proposed Findings of Fact. The Applicant Ms. Jennifer Nykaza Zwagerman, the Applicant's husband Mr. Richard Zwagerman, and the Applicant's attorney Mr. Tyler

APPROVED AS TO SUBSTANCE

CHAIRMAN

Manic were present. The Applicant's architect Ms. Odile Compagnon was present. Testifying in support of the application were Mr. Jerome McCann, Mr. Matthew Stanley and Ms. Dana Renninger. Testifying in opposition to the application were Mr. Lawrence Steinurt, Ms. Donna Knabe and Mr. Anthony Shannon (collectively, the "Objectors"). The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

The Applicant's attorney Mr. Tyler Manic explained to the ZONING BOARD OF APPEALS the history of the partially built garage; namely, that Mr. Zwagerman had relied upon advice given by the City's Department of Buildings ("DOB") to his detriment.

The Applicant presented the testimony of her husband Mr. Richard Zwagerman. Mr. Zwagerman testified that he and his wife resided at the subject property. He testified that he had his degree in architecture and had subsequently worked in construction although currently he was a stay-at-home father. He testified that in November 2016, he received a permit to erect an 800 square foot masonry garage. He testified that prior to obtaining this permit, he met with various people at DOB's homeowner's assistance desk. He testified that DOB Assistant Commissioner Mr. Hal Hutchison helped him finalize and ultimately issued him the permit. He testified that he was led to believe that the permit would go through zoning review as he was charged a zoning fee in connection with the permit. He testified that several inspections were done as the garage was being built. He testified that the footprint of the garage was fully visible to the DOB inspectors and that the DOB inspectors approved the work. He testified that sometime in March 2017, he learned that a stop work order had been placed on the permit. He testified that he received a handwritten stop work order from the alderman's office. He then showed the ZONING BOARD OF APPEALS a true and accurate depiction of what the partially-built garage looked like at the time of the stop work order.

He testified that he then met with DOB Deputy Commissioner Mr. Asif Rahman who provided him with an alternative plan for the garage (which would have allowed him to finish the garage without a variation). He testified that he obtained a new permit for this alternative plan but had not proceeded on the alternative plan. He testified that he had only built those portions of the garage that were common to both the original permit and the new permit. He then showed the ZONING BOARD OF APPEALS a true and accurate depiction of what the partially-built garage currently looked like. He testified that the work had passed all inspections done by DOB building inspector Hector Sobrevilla. He testified that around this time he had decided to do a house addition. He then showed to the ZONING BOARD OF APPEALS a true and accurate depiction of what the proposed addition would look like as well as his updated plans for the garage. He testified that he was seeking a variation to accomplish this. He testified he had spoken about the variation with members of the community, including his only adjacent neighbor. He testified that his adjacent neighbor was in support of the variation. He testified that it was his understanding that the garage complied with all requirements of the City's Building Code. He testified that he did not believe that the variation would alter the essential character of the neighborhood. He further testified if he were not

granted the variation, he would lose the \$100,000 investment he had made on the partially-built garage.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Zwagerman further testified that said alternative plan was too costly and unfeasible. He testified that, therefore, he had only used the new permit to build the parts of the garage that had been common to both the original permit and the new permit. He testified that the alternative plan was unfeasible because if he and his wife had known that they would not be able to build an 800 square foot garage, they would have changed the shape of the whole garage. He testified that the alternative plan designed by Mr. Rahman made the garage much shallower which in turn made the garage much less practical. He testified that if one had cars in the garage, one would have to open the garage door to move around the garage. He testified that the partially built garage had looked quite bad at the time of the stop work order so that was why he had built the parts of the garage that were common to both the original permit and the alternative permit as he pursued a variation. He testified that when he and the Applicant purchased the home, the home inspector said the existing garage should be condemned. He testified that the existing garage had been only a one-and-one-half car garage and had been structurally deficient.

Mr. Zwagerman further testified that he approached DOB's homeowner's assistance desk so that he could find out what he was allowed to do with respect to building a garage. He testified that he did not have a rooftop deck on top of his garage. He testified that while he did not have three cars, he felt a three-car garage better utilized the space, as a two-car garage would leave dead space at the side of the garage. He testified that he has a table-saw and is a hobbyist woodworker. He testified that he currently utilizes the partially-built garage as a work space. He testified that while he made gifts for his friends, he did not make products for sale in the partially-built garage.

The Applicant presented the testimony of her architect Ms. Odile Compagnon. Ms. Compagnon testified that she was a licensed architect who had experience working with Chicago-style bungalows. She testified that she had won awards for other Chicago-style bungalows that she had rehabilitated and lived in a Chicago-style bungalow herself. She testified that she had prepared the plans for the proposed addition to the home on the subject property as well as the updated plans for the garage. She testified that these plans were done in collaboration with Mr. Zwagerman. She testified that she believed the addition and the garage (as shown by her plans) would be compatible with the neighborhood because: (1) there were several housing types in the neighborhood, including bungalows; and (2) improving the look of a garage improved a neighborhood as a whole. She testified that the variation would not impair light and air to the adjacent property and would not increase congestion in the public streets. She testified that the variation would not increase the danger of fire or endanger the public safety. She testified she did not believe that the variation would impair property values in the neighborhood but would instead increase values because the variation creates a sense of care for the alley and back side of homes, which is important for safety in the City.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Manic confirmed that the Applicant did need setback relief for the proposed addition. In the event that the ZONING BOARD OF APPEALS granted the Applicant's request for variation, the Applicant would be able to proceed with the proposed second floor addition. In the event that the ZONING BOARD OF APPEALS denied the Applicant's application for variation, the Applicant would attempt to obtain an administrative adjustment for the proposed addition.

The Applicant Ms. Jennifer Nykaza Zwagerman testified. She testified that she resided at the subject property. She testified that she had been a member of the Forest Glen Community¹ Club ("Club") since 2012. She testified that Ms. Compagnon had been brought in as a guest speaker at one of the Club's meetings due to the extensive historical research Ms. Compagnon and her students had done on the Forest Glen Community. She testified that she subsequently worked with Ms. Compagnon on the Good City advisory board and other community projects. She testified that she had always liked Ms. Compagnon's architectural drawings and had hired Ms. Compagnon due to her familiarity with the Chicago-style bungalow, especially in the Forest Glen Community. She testified that like Ms. Compagnon, she and Mr. Zwagerman had also won a Driehaus Award from the Chicago Bungalow Foundation. She testified that she and Mr. Zwagerman were both very passionate about maintaining the character of the Chicago-style bungalow as well as modernizing it for contemporary living. She testified that she had spoken about the variation with the board members of the Club and that they were very supportive of the variation.

Mr. Jerome McCann, of 5003 W. Berwyn, testified in support of the application. He testified that he was in support of the variation because he had watched the garage being constructed and felt that the construction was very professional. He testified that the construction standards were far better than other construction he has seen.

Mr. Matthew Stanley, of 5219 N. Laporte, testified in support of the application. He testified that he had twenty-three (23) years with the Chicago Fire Department and his wife had nine (9) years with the Chicago Police Department. He testified that he believed some people were concerned that the garage would impede with a fire truck or other emergency vehicle's ability to come to the rear of the alley. He testified that if a garbage truck could come to the rear of the alley so could a fire truck. Consequently, he testified he had no safety concerns.

Ms. Dana Renninger, of 5232 N. La Crosse, testified in support of the application. She testified that she was drawn to the neighborhood due to its charm and that the proposed variation keeps this charm. She testified that Mr. Zwagerman was a very helpful neighbor and she wished that he would remain her neighbor.

Mr. Lawrence Steinurt, of 5264 N. Lamon, testified in opposition to the application. He testified that he was opposed to the garage because the size and scope of the garage

¹ The subject property is located in the Forest Glen Community.

takes away from the character of the neighborhood. He testified that he did not believe it was a residential garage but was instead a commercial structure.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Steinurt testified that he believed the garage to be a commercial structure because there was a van that went in and out, along with several workmen. He testified that Mr. Zwagerman was often in the garage. He then submitted to and the ZONING BOARD OF APPEALS accepted into the record a statement written by a neighbor also in opposition that had to leave.

Ms. Donna Knabe, of 4915 W. Berwyn, testified in opposition to the application. She testified that while she had no problem at all with the proposed addition to the home, she was opposed to the size of the garage. She testified that she had previously expressed her opposition to Mr. Zwagerman. She testified that while such a garage might be appropriate in Lincoln Park, it was overly large and did not fit the neighborhood. She testified that it does not look like a brick garage but instead appears to be made of concrete block. She testified that she expressed her views to the alderman who suggested that the garage would look better with siding. She testified that she did not agree with Mr. Stanley because she did not believe that garbage trucks could turn down the alley at the side of the subject property to the alley at the rear of the subject property since the garage had been erected.

Mr. Anthony Shannon, of 5260 N. Lamon, testified in opposition to the application. He testified that the garage did not conform with the character of the neighborhood.

In response to the Objectors' testimony, Mr. Zwagerman testified that there were no workmen, only his nephew. He testified that his nephew frequently spent time at the subject property. He testified although a photograph was sent to the alderman as evidence that there were workmen in his garage, it was simply a photograph of himself and two other men. He testified that he did not operate a commercial endeavor and that he believed that those who felt he was operating a commercial endeavor felt that way because of a cultural difference. He testified that people on the other side of his rear alley were lawyers and "computer people" while people on his side of the alley were blue collar construction workers, police officers and firemen that enjoyed working on their own homes.

Ms. Knabe testified that she very much disagreed with this characterization.

The ZONING BOARD OF APPEALS stated that it did not believe this to be relevant.

Mr. Zwagerman then testified that the garage was never intended to be bare concrete block and that Mr. Zwagerman had shown Ms. Knabe the actual plans when she inquired. He testified due to the smaller size of the old garage, the garbage trucks had previously cut across the subject property to turn from the side alley into the rear alley. He testified that this had led to damage to the old garage. He testified that he had spoken with the garbage men, and they had assured him that there was no issue with the placement of the

new garage. He testified that since the stop work order had been issued, the police had been called to the subject property 18 times. He testified that each time the police were called it was because he or his wife were outside with a yard tool. He testified that he had been in compliance with the stop work order as well as all subsequent inspections to the subject property.

Ms. Compagnon testified that she believed people working in their garages on the weekends went with the spirit of the Chicago-style bungalow, which was a workman's house.

In response to further questions by the ZONING BOARD OF APPEALS, both the Applicant and Mr. Zwagerman provided further explanatory testimony.

B. Criteria for a Variation

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

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

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

the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

III. FINDINGS OF FACT.

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

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

Garage

As testified to by Mr. Zwagerman (and as further averred by him in his affidavit), the Applicant made an almost \$100,000 investment in a partially-built garage that Mr. Zwagerman – due to his initial dealings with DOB – believed to be compliant with the Chicago Zoning Ordinance. To make the partially-built garage compliant with the Chicago Zoning Ordinance would create practical difficulties or particular hardships for the subject property as it would cost an additional \$31,176.00 and would be a much less practical use of space. The ZONING BOARD OF APPEALS finds Mr. Zwagerman to be a very credible witness.

Proposed Addition

As can be seen from the Applicant's plans, the proposed addition will be built on the home's existing walls. As the home is a few inches past the south side setback line, strict compliance with the Chicago Zoning Ordinance would create practical difficulties or particular hardships for the subject property in that the existing home's south wall could not be used to construct the second floor addition.

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

The requested variation is consistent with the stated purpose and intent of the Chicago Zoning Ordinance, specifically by: (1) promoting the public health, safety and general welfare pursuant to Section 17-1-0501 of the Chicago Zoning Ordinance by: (a) keeping parking secure and off the street and (b) replacing an old dilapidated garage; (2) preserving overall quality of life for residents and

visitors pursuant to Section 17-01-0502 of the Chicago Zoning Ordinance because it will allow for finishing the garage and for the proposed addition; (3) maintaining orderly and compatible land use and development patterns pursuant to Section 17-01-0508 of the Chicago Zoning Ordinance by improving the neighborhood; and (4) maintaining a range of housing choices and options pursuant to Section 17-1-0512 of the Chicago Zoning Ordinance by allowing for the proposed addition.

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

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

Garage

Mr. Zwagerman spent much time and effort with DOB's homeowner assistance desk to ensure that he obtained a permit for the garage. He then began building the garage in reliance on that permit and passed several inspections. Only after the masonry walls of the garage were erected and 90% of the garage was complete did DOB determine that the permit was issued contrary to the Chicago Zoning Ordinance. To reconfigure the garage to comply with the Chicago Zoning Ordinance would (as averred to by Mr. Zwagerman) cost the Applicant and Mr. Zwagerman an additional \$31,176.00. This would be on top of the approximately \$100,000 they have already spent on the partially-built garage. The ZONING BOARD OF APPEALS finds that such an additional sum would make the subject property unable to yield a reasonable return as such sum would be utilized solely to convert an already built portion of the partially-built garage into a covered rear porch. As Mr. Zwagerman testified, this would make the garage very shallow and therefore not a practical use of space. Further, such sum is solely due to DOB's mistake.

Proposed Addition

Since the Applicant and Mr. Zwagerman will continue to reside at the subject property, reasonable rate of return is, in this instance, livability. Due to the birth of the Applicant and Mr. Zwagerman's first child, they need additional space in their home. Without the requested variation, they would not be able to build a

second floor addition off of their existing south wall as such wall is currently in the south side setback.

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

Garage

The non-compliant partially-built garage is a unique circumstance that is not generally applicable to other residential property. In fact, the non-compliant partially-built garage is especially unique in that Mr. Zwagerman spent much time and effort speaking with DOB staff to ensure that the partially-built garage as originally designed was compliant with the Chicago Zoning Ordinance.

Proposed Addition

The existing home is a unique circumstance that is not generally applicable to other residential property. Generally, a home is built to respect the side yard setbacks of a property.

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

Garage

The garage as currently built exceeds the square footage allowed for a garage. As a result, the Applicant's options to legalize the garage are either to: (1) apply for a variation; or (2) follow Mr. Rahman's alternative plan and turn a portion of the garage (that portion facing the home) into a covered porch to reduce the square footage. The variation would allow the Applicant and Mr. Zwagerman to more efficiently use the already-built space and be far less costly. However, the variation will not change how the garage looks to the general public. That shall remain as shown on Exhibit 5 of the Applicant's proposed Findings of Fact. If, in fact, the Applicant had chosen to incur the additional cost and decreased utility of Mr. Rahman's alternative plan and finished the garage without a variation, the garage would still look the same as it does on Exhibit 5. Since the public will be able to perceive no difference between the garage built with the variation and the garage built without the variation, the variation – if granted – will not alter the essential character of the neighborhood. Further, there are many other garages of the size and character of the Applicant's garage in the vicinity.

Proposed Addition

As shown by the Applicant's plans, Ms. Compagnon's testimony and the Applicant's testimony, the proposed addition will take care to respect not only the Chicago-style bungalow but also the Forest Glen Community. It will therefore not alter the essential character of the neighborhood.

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

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

Garage

The particular topographical condition – that is, the partially-built garage – on the subject property results in particular hardship upon the Applicant. As noted above, only after the partially-built garage was 90% complete did DOB revoke the permit Mr. Zwagerman worked closely with DOB's homeowner assistance desk to obtain. To comply with the Chicago Zoning Ordinance would result in the Applicant and Mr. Zwagerman incurring an additional \$31,176.00 for a far less usable garage. This is far more than a mere inconvenience.

Proposed Addition

The particular topographical condition – that is, the existing home – on the subject property results in particular hardship upon the Applicant. The existing home is built in the south side yard setback. Without the requested variation, the Applicant and Mr. Zwagerman could not use the home's existing south wall for the proposed addition. This is far more than a mere inconvenience.

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

Garage

The partially-built garage – in particular, the fact that it was planned and permitted upon Mr. Zwagerman's reliance on DOB's homeowner assistance desk – is not a condition that would be applicable, generally, to other property within the RS-2 zoning district.

Proposed Addition

The existing home – in particular, the fact that it is currently built in the south side setback – is not a condition that would be applicable, generally, to other property within the RS-2 zoning district. As noted above, most homes are not built in a property's side setback.

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

The variation is so that the Applicant and Mr. Zwagerman can legalize their partially-built garage and construct a second floor addition to their existing home. The purpose of the variation is therefore not based exclusively upon a desire to make more money out of the subject property but is instead to make the subject property more livable for them and their growing family.

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

Garage

While the partially-built garage was constructed by Mr. Zwagerman, Mr. Zwagerman proceeded with building the garage only after being assured by DOB staff that such garage was compliant with the Chicago Zoning Ordinance. Therefore, the practical difficulty or particular hardship in this instance was caused by DOB staff and not by any person presently having an interest in the subject property.

Proposed Addition

The Applicant and Mr. Zwagerman did not build the existing home on the subject property. As testified to by Mr. Zwagerman, they purchased the subject property with the existing home already on it.

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

Garage

As noted above, the variation will allow the garage to be legalized. The garage as currently built exceeds the square footage allowed for a garage. As a result, the Applicant's options to legalize the garage are either to: (1) apply for a variation; or (2) follow Mr. Rahman's alternative plan and turn a portion of the garage (that portion facing the home) into a covered porch to reduce the square footage. The

variation would allow the Applicant and Mr. Zwagerman to more efficiently use the already-built space and be far less costly. However, the variation will not change how the garage looks to the general public. Instead it will look how it looks on Exhibit 5 of the Applicant's proposed Findings of Fact. As shown by Exhibit 5, the garage will not be detrimental to the public or injurious to other property or improvements in the area but will instead function as all other residential real garages (i.e., in that it spans almost the entirety of the width of the lot and is set 2' off of the rear alley).²

Proposed Addition

As noted above, the variation is also needed to allow for the proposed addition. As also noted above, great care has been taken to ensure that the proposed addition is compatible with the character of not only the Chicago-style bungalow but also the Forest Glen Community. As a result, the proposed addition will not be detrimental or injurious to other property or improvements in the area.

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

Garage

From the pictures submitted with the Applicant's proposed Findings of Fact, it is clear that the garage will not impair an adequate supply of light and air to adjacent property. The garage will not substantially increase congestion in the public streets but will instead decrease congestion, in that it is bigger than the prior garage it replaced. It will not increase the danger of fire as Mr. Zwagerman testified it would be built to comply with the Chicago Building Code. The garage will not endanger the public safety; the ZONING BOARD OF APPEALS finds Mr. Matthew Stanley to be very credible in that regard, especially when coupled with pictures in Exhibit C6 of the Applicant's proposed Findings of Fact showing that there is adequate width in the alley for a garage truck to traverse. The garage will also not substantially diminish or impair property values within the neighborhood. The ZONING BOARD OF APPEALS agrees with Ms. Compagnon's assessment that the proposed garage will increase property values

² Cf. 17-17-0309 of the Chicago Zoning Ordinance (reminding that garages are permitted obstructions in the rear setback and that garages accessed from rear alleys must generally be set 2' off of the rear property line) with 17-17-02140 of the Chicago Zoning Ordinance (showing that the rear setback spans the entirety of the width of a lot).

because a well-built garage creates a sense of care for the alley and back side of homes.

Proposed Addition

From the plans and renderings of the proposed addition, it is clear that the proposed addition will not impair an adequate supply of light and air to adjacent properties. The proposed addition will not substantially increase congestion in the public streets. It will not increase the danger of fire because it will not be built unless and until the Applicant obtains a valid building permit. The proposed addition will not endanger the public safety. It also will not substantially diminish or impair property values within the neighborhood because, as noted above, great care has been taken with respect to the design of the proposed addition to ensure it is consistent with not only the Chicago-style bungalow but also the Forest Glen Community.

IV. CONCLUSION

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

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

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

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

APPLICANT: Chris Araiza

CAL NO.: 164-19-Z

APPEARANCE FOR: Chris Toth

MINUTES OF MEETING:
March 15, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4758 S. Pulaski Road

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

ACTION OF BOARD-

Continued to May 17, 2019 at 9:00 a.m.

APPROVED AS TO SUBSTANCE

CHAIRMAN

APPLICANT: 1511 Sedgwick, LLC

CAL NO.: 165-19-Z

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:
March 15, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1511 N. Sedgwick Street

NATURE OF REQUEST: Application for a variation to reduce the rear yard setback from the required 30' to 4.50' for a proposed four-story, seven dwelling unit building with two interior parking spaces, roof deck and stair enclosures.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
		X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 1, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear yard setback to 4.50' for a proposed four-story, seven dwelling unit building with two interior parking spaces, roof deck and stair enclosures; 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

APR 22 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

APPLICANT: 1511 Sedgwick, LLC

CAL NO.: 166-19-Z

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:
March 15, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1511 N. Sedgwick Street

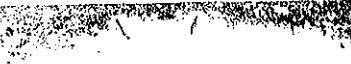
NATURE OF REQUEST: Application for a variation to increase the maximum height of 50' to 50.50' which is less than 10% for a proposed four-story, seven dwelling unit building with two interior parking spaces, roof deck and stair enclosures.

**ACTION OF BOARD-
VARIATION WITHDRAWN**

THE VOTE

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X



APR 22 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE

CHAIRMAN

APPLICANT: Diza Taco Properties Dan Ryan, LLC **CAL NO.:** 167-19-S
APPEARANCE FOR: Nicholas Ftikas **MINUTES OF MEETING:**
 March 15, 2019
APPEARANCE AGAINST: None
PREMISES AFFECTED: 255 W. Garfield Boulevard

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

**ACTION OF BOARD-
 APPLICATION APPROVED**

THE VOTE

FARZIN PARANG
 SHAINA DOAR
 SYLVIA GARCIA
 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 March 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 1, 2019; and


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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated January 8, 2019, including both the landscape and floor plans dated March 5, 2019, all prepared by Nick Scarlatis and Associates, Ltd.

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

APPROVED AS TO SUBSTANCE

APR 22 2019
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS


CHAIRMAN

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

APPLICANT: Raina Stony, LLC

CAL NO.: 168-19-S

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
March 15, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 7019 S. Stony Island Avenue

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
RECUSED		
		X

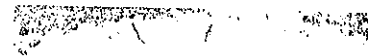
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-
times on March 1, 2019; and

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

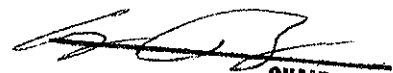
RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated February 6, 2019, prepared by Nick Scarlatis and Associates, Ltd.

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



APR 22 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE

CHAIRMAN

APPLICANT: Old Town Luxury Suites, LLC

CAL NO.: 169-19-S

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:
March 15, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 155-59 W. North Avenue

NATURE OF REQUEST: Application for a special use to reduce the required on-site parking by 100% for a proposed six-story, building with retail on the ground floor, fourteen interior parking spaces, one loading berth and thirty-five dwelling units above which shall be a transit served location.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
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 March 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 1, 2019;

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following: the applicant shall be permitted to reduce the required on-site parking by 100% for a proposed six-story, building with retail on the ground floor, fourteen interior parking spaces, one loading berth and thirty-five dwelling units above which shall be a transit served location; two variations were also granted to the subject property in Cal. Nos. 170-19-Z and 171-19-Z; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the special use is issued solely to the applicant Old Town Luxury Suites, LLC, and the development is consistent with the design and layout of the plans and drawings dated March 15, 2019, prepared by Axios Architects and Consultants.

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

APR 22 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

APPLICANT: Old Town Luxury Suites, LLC

CAL NO.: 170-19-Z

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:
March 15, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 155-59 W. North Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 30' to 3.4' on floors containing dwelling units for a proposed six-story building with ground floor retail, fourteen interior parking spaces, one loading berth and thirty-five dwelling units above which shall be a transit served location.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
		X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 1, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 3.4' on floors containing dwelling units for a proposed six-story building with ground floor retail, fourteen interior parking spaces, one loading berth and thirty-five dwelling units above which shall be a transit served location; a special use and an additional variation was granted to the subject property in Cal. Nos. 169-19-S and 171-19-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APR 22 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Old Town Luxury Suites, LLC **CAL NO.:** 171-19-Z
APPEARANCE FOR: Sara Barnes **MINUTES OF MEETING:** March 15, 2019
APPEARANCE AGAINST: None
PREMISES AFFECTED: 155-59 W. North Avenue

NATURE OF REQUEST: Application for a variation to increase the maximum height from the permitted 70' to 74.1' which is less than 10% for a proposed six-story building with ground floor retail, fourteen interior parking spaces, one loading berth and thirty-five dwelling units above which shall be a transit served location.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

FARZIN PARANG
 SHAINA DOAR
 SYLVIA GARCIA
 SAM TOIA
 AMANDA WILLIAMS

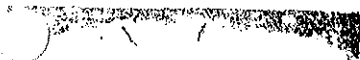
AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
		X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 1, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to increase the maximum height to 74.1' which is less than 10% for a proposed six-story building with ground floor retail, fourteen interior parking spaces, one loading berth and thirty-five dwelling units above which shall be a transit served location; a special use and an additional variation was granted to the subject property in Cal. Nos. 169-19-S and 170-19-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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



APR 22 2019

CITY OF CHICAGO
 ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 3741 W. Belmont, LLC

CAL NO.: 172-19-Z

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:
March 15, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3743 W. Belmont Avenue

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

ACTION OF BOARD-
Continued to April 19, 2019 at 9:00 a.m.

THE VOTE

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCÍA
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: 3741 W. Belmont, LLC

CAL NO.: 173-19-Z

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:
March 15, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3743 W. Belmont Avenue

NATURE OF REQUEST: Application for a variation to reduce the minimum lot area from the required 14,000 square feet to 13,250 square feet for a proposed four-story building with ground floor retail and fourteen dwelling units above.

ACTION OF BOARD-
Continued to April 19, 2019 at 9:00 a.m.

THE VOTE

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
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: Ben Feller

CAL NO.: 174-19-Z

APPEARANCE FOR: Tyler Manic

MINUTES OF MEETING:
March 15, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1712 W. Barry Avenue

NATURE OF REQUEST: Application for a variation to increase the existing floor area by 175.95 square feet for a proposed two-story front addition to the existing two-story, single family residence with attached garage and roof deck.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 1, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to increase the existing floor area by 175.95 square feet for a proposed two-story front addition to the existing two-story, single family residence with attached garage and roof deck; two additional variations were granted to the subject property in Cal. Nos. 175-19-Z and 176-19-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

APR 22 2019

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

APPLICANT: Ben Feller **CAL NO.:** 175-19-Z
APPEARANCE FOR: Tyler Manic **MINUTES OF MEETING:**
March 15, 2019
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1712 W. Barry Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 35.04' to 29.89', east setback from 2' to 1.33'* (west to be 3'), combined side setback from 4.80' to 4.33'* for a proposed two-story front addition to the existing two-story, single family residence with an attached garage and roof deck.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

FARZIN PARANG
 SHAINA DOAR
 SYLVIA GARCIA
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 1, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 29.89', east setback to 1.33'* (west to be 3'), combined side setback to 4.33'* for a proposed two-story front addition to the existing two-story, single family residence with an attached garage and roof deck; two additional variations were granted to the subject property in Cal. Nos. 174-19-Z and 176-19-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

*Amended at Hearing

APPROVED AS TO SUBSTANCE

APR 22 2019


CHAIRMAN

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

APPLICANT: Ben Feller

CAL NO.: 176-19-Z

APPEARANCE FOR: Tyler Manic

MINUTES OF MEETING:
March 15, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1712 W. Barry Avenue

NATURE OF REQUEST: Application for a variation to increase the height from the maximum 30' to 31.33' for a proposed two story front addition to the existing two-story, single family residence with an attached garage and roof deck.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 1, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to increase the height to 31.33' for a proposed two story front addition to the existing two-story, single family residence with an attached garage and roof deck; two additional variations were granted to the subject property in Cal. Nos. 174-19-Z and 175-19-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

APR 22 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

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

APPLICANT: Maryville Academy
APPEARANCE FOR: John George/Kate Duncan
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1456 W. Oakdale Avenue

CAL NO.: 177-19-S

MINUTES OF MEETING:
March 15, 2019

NATURE OF REQUEST: Application for a special use to establish a transitional residence for not more than twenty-five children.

**ACTION OF BOARD-
APPLICATION APPROVED**

THE VOTE

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

THE RESOLUTION:

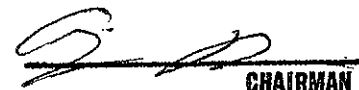
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-times on March 1, 2019; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the special use is issued solely to the applicant Maryville Academy, and the development is consistent with the design and layout of the plans and drawings dated January 18, 2019, prepared by MKB Architects.

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

APR 22 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



General III, LLC

APPLICANT

178-19-S & 179-19-Z

CALENDAR NUMBERS

11600 S. Burley Avenue

PREMISES AFFECTED

March 15, 2019

HEARING DATE

ACTION OF BOARD

THE VOTE

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

Farzin Parang, Chairman
Shaina Doar
Sylvia Garcia
Sam Toia
Amanda Williams

AFFIRMATIVE	NEGATIVE	ABSENT
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<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE SPECIAL USE AND VARIATION APPLICATIONS
FOR 11600 S. BURLEY AVENUE BY GENERAL III, LLC**

I. BACKGROUND

General III, LLC (the "Applicant") submitted a special use application and a variation application for 11600 S. Burley Avenue (the "subject property"). The subject property is currently located in PMD-6 and is improved with an existing Class IV-B recycling facility (the "existing facility") operated by the Applicant's parent entity Reserve Management Group ("RMG"). The ZONING BOARD OF APPEALS takes judicial notice of the fact that General Iron Industries, Inc. ("General Iron") recently merged with RMG. This resulted in the creation of the Applicant, which (should the Applicant's applications be granted) would assume General Iron's business activities.¹ The Applicant proposed to construct a metal shredder on a vacant portion of the subject property (the "proposed metal shredder"). This proposed metal shredder would be a relocation of General Iron's metal shredder at 1909 N. Clifton Avenue (the "current metal shredder"). To permit the proposed metal shredder, the Applicant sought: (1) a special use to expand the existing facility to operate a Class IV-B recycling facility²; and (2) a variation to reduce the interior landscape area from 260,489 square feet to 3,484 square feet and to reduce the number of interior trees from 2,084 to 10 to accommodate the vehicular use area of the proposed expansion of the existing facility. In accordance with Section 17-

¹ Because of this, General Iron and the Applicant were used interchangeably at the hearing.

² In accordance with Section 17-13-0910 of the Chicago Zoning Ordinance.

APPROVED AS TO SUBSTANG

APR 22 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

CHAIRMAN

13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City's Department of Planning and Development (the "Zoning Administrator") recommended approval of the special use provided that: (1) the special use was issued solely to the Applicant; (2) was developed consistent with the layout and design represented on the site plan dated March 15, 2019 and prepared by Knight E/A, Inc.; (3) all landscaping was installed consistent with the landscape plans, including the plans for the landscape mitigation area along South Avenue O between 114th and 116th Streets, dated March 15, 2019 and prepared by Upland Design, Ltd.; (4) all landscaping was maintained in accordance with Section 17-11-0500 of the Chicago Zoning Ordinance for a period of five (5) years from the date of installation; (5) the Applicant installed air monitors of the type, number and locations as determined and approved by the Chicago Department of Public Health ("DPH"); (6) the Applicant performed noise modeling and monitoring as established and approved by DPH; (7) the Applicant installed the freestanding business identification sign and associated landscaping consistent with the plan dated March 15, 2019 and prepared by Knight E/A, Inc.; and (8) the Applicant installed signage along 116th Street (private) and Avenue O (public) directing trucks to travel south on Avenue O when leaving the facility, consistent with the plan dated March 15, 2019 and prepared by Knight E/A, Inc.

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's special use and variation applications at its regular meeting held on March 15, 2019, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Sun-Times*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure, the Applicant had submitted its proposed Findings of Fact. RMG's chief operations officer of its existing facility and representative for the Applicant Mr. Hal Tobin, General Iron's vice president of operations Mr. Adam Labkon and the Applicant's attorney Mr. Scott Borstein were present. Also present on behalf of the Applicant were its MAI certified real estate appraiser Mr. Hugh Edfors, its lead architect Ms. Roxanne Knapp, its traffic consultant Mr. Timothy Doron, its landscape architect Ms. Liz DaFoe, its civil and environmental engineer Mr. John Pinion, its civil engineer Mr. Lukasz Sledz, and its economic consultant Dr. Jarrod Welch. Testifying in support of the applications were the following RMG and General Iron employees: Mr. Thomas J. Saozak, Ms. Susana Garcia, Ms. Itzel Martinez, Mr. Darryl Cooper, Mr. Jose Perez and Mr. Brent Mulder. Assistant Zoning Administrator Mr. Steven Valenziano and Coordinating Planner Mr. Nelson Cheung testified on behalf of the City's Department of Planning and Development (the "Department"). Ms. Meleah Geertsma, Ms. Stacy Meyers, Ms. Juliana Pino, Ms. Olga Bautista, Ms. Peggy Salazar, Ms. Victoria Persky, Ms. Carolin Wooten, Ms. Angelika Vassilatos, Ms. Julie Redemacher-Wedd, Mr. Patrick Baranouskas, Mr. Pat Williams and Ms. Olivia Gotsch (collectively, the "Objectors") testified in opposition to the applications. With the exception of certain statements and testimony that will be explained below, the statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

The Applicant presented the testimony of its lead architect Ms. Roxanne Knapp. Ms. Knapp testified that the Applicant's proposed metal shredder met all standards necessary for both a special use in a planned manufacturing district and a variation.

The Applicant presented the testimony of General Iron's vice president of operations Mr. Adam Labkon. Mr. Labkon testified that (should the special use and variation be granted) that he would oversee management of the Applicant's proposed metal shredder. He testified as to his history and experience in the metal shredding industry and at General Iron in particular. He testified that General Iron currently processes 740,000 tons of recycling material and is the City's largest metal recycler. He testified that General Iron's current metal shredder was going to close in 2020 and without the Applicant's proposed metal shredder, the City's recycling chain would be terribly disrupted, which would result in significant negative economic and environmental consequences. He then testified as to these consequences. He testified that, therefore, in his opinion, the Applicant's special use would be in the interest of the public convenience and would not have significant adverse impact on the general welfare of the neighborhood.

The Applicant presented the testimony of civil and environmental engineer Mr. John Pinion. Mr. Pinion testified as to how the proposed metal shredder would meet all local, state and federal regulations with respect to pollution and emissions.

The Applicant presented the testimony of RMG's chief operations officer of the existing facility and representative for the Applicant Mr. Hal Tolin. Mr. Tolin testified as to his history and experience in the recycling industry. He then testified as to how, in his opinion, the Applicant's proposed shredder met all standards for a special use in a planned manufacturing district and a variation.

The Applicant presented the expert testimony of its MAI certified real estate appraiser Mr. Hugh Edfors. The ZONING BOARD OF APPEALS recognized Mr. Edfors as an expert in real estate appraisal. Mr. Edfors testified that he had inspected the subject property and prepared a land use report with respect to the proposed metal shredder dated March 2, 2019. He testified that based on the preparation of the land use report, he was very familiar with the subject property, the surrounding manufacturing area and surrounding neighborhoods, the proposed operations of the proposed metal shredder, the values of properties in the area and the proximity of the proposed special use to neighboring residents. He then testified as to how, in his opinion, the proposed special use in a planned manufacturing area and the variation would not have a significant adverse impact on the area, would not negatively impact property values in the area and will, instead, have a positive impact on the area.

The Applicant presented the expert testimony of its traffic consultant Mr. Timothy Doron. The ZONING BOARD OF APPEALS recognized Mr. Doron as an expert in traffic analysis. Mr. Doron testified that he had prepared a traffic impact study with respect to the proposed metal shredder dated February, 2019. He testified as to the

conclusions of his report. He then testified as to his opinion that though the proposed metal shredder would be heavily dependent on truck traffic, such truck traffic would not have a significant adverse impact, would promote pedestrian safety and comfort, would not create any conflicts with other manufacturing activities in the area, would have minimal impact on surrounding businesses and would not have a significant negative impact on any of the surrounding residential areas.

The Applicant presented the expert testimony of Dr. Jarrod Welch. The ZONING BOARD OF APPEALS recognized Dr. Welch as an expert in economic theory. Dr. Welch testified that he had reviewed and analyzed the economic impact of the proposed metal shredder in the South Deering community. He testified that, in his opinion, the proposed metal shredder would generate economic benefit for the area and would have a positive spillover effect on other businesses and other properties in PMD-6.

The Applicant presented the testimony of its civil engineer Mr. Lukasz Sledz. Mr. Sledz testified that he was the lead engineer in connection with designing the proposed metal shredder's storm water management system. He testified that such storm water management system complied with all rules and regulations of the City.

The Applicant presented the testimony of its landscape architect Ms. Liz Dafoe. Ms. Dafoe testified as to how, in her opinion, the Applicant met certain standards for a variation.

The ZONING BOARD OF APPEALS summarized the Applicant's applications to the Objectors. It then asked the Department to discuss the Applicant's argument with respect to its request for a variation.

The Department presented the testimony of Assistant Zoning Administrator Mr. Steven Valenziano. Mr. Valenziano testified as to the history and intent of the Chicago Landscape Ordinance.³ In particular, he testified the intent was aesthetic in nature, in that the objective of the ordinance was to provide an attractive city with tree-lined streets, cleaner neighborhoods and enhanced property values. He testified that the Landscape Ordinance was written for small-scale parking lots, such as those provided by grocery stores or businesses. He testified that, however, the Landscape Ordinance discussed "vehicular use areas," which includes such things as loading docks, trailer storage yards and gas stations. He testified that such uses often require variations because the traffic circulation of such uses makes compliance with the Landscape Ordinance not feasible. He testified that because the proposed special use will be expanding an existing use on the subject property, the Chicago Zoning Ordinance requires that not only the proposed metal shredder comply with the Landscape Ordinance but also the existing facility.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Valenziano testified that there are currently no trees on the subject property today. He testified that if the Applicant were required to comply with the Landscape Ordinance, it would need to install approximately 2100 trees on the subject property. He testified that if those trees

³ Chapter 17-11 of the Chicago Zoning Ordinance.

were put on the subject property, there would be no traffic circulation areas and there would be no parking areas.

The ZONING BOARD OF APPEALS then put forth its questions to the Applicant's witnesses. Said questions elicited further testimony from said witnesses.

Mr. Thomas J. Saozak, Ms. Susana Garcia, Ms. Itzel Martinez, Mr. Darryl Cooper, Mr. Jose Perez and Mr. Brent Mulder – all current employees of either General Iron or RMG – testified in support of the applications.

Ms. Meleah Geertsma, home address unknown, testified in opposition to the applications. Ms. Geertsma testified that she was a senior attorney at the Natural Resource Defense Council ("NRDC") and that she was representing the NRDC at the hearing. However, the ZONING BOARD OF APPEALS' Rules of Procedure require that an attorney's client be present, and Ms. Geertsma called no representatives of the NRDC as witnesses. Based on her conduct at the ZONING BOARD OF APPEALS, it is apparent that she considered herself to be her own witness.⁴ Consequently and to resolve any confusion⁵, the ZONING BOARD OF APPEALS determined her comments at the hearing to be her personal testimony rather than the statements of an attorney advocating on behalf of a client.

Ms. Stacy Meyers, home address unknown, testified in opposition to the applications. Ms. Meyers testified that she was senior counsel at Openlands. However, the ZONING BOARD OF APPEALS' Rules of Procedure require that an attorney's client be present, and Ms. Meyer called no representatives of Openlands as witnesses. Like Ms. Geertsma, the ZONING BOARD OF APPEALS determined her comments at the hearing to be her personal testimony rather than the statements of an attorney advocating on behalf of a client.

In response to Ms. Meyers' testimony, the ZONING BOARD OF APPEALS stated that the written notice of a special use was only provided to property owners within 250 feet of the subject property.⁶ It stated that it had not seen any evidence that the Applicant had not provided such required notice.

Ms. Geertsma testified that she and Ms. Meyers understood the formal notice requirements but that she thought everyone should look at reforming such notice requirements.

⁴ Such as, but not limited to, her focus on her master's degree in public and environmental health, her co-authorship of impact maps on the cumulative vulnerability of Chicago and her various blog articles.

⁵ "A witness is required to testify on the basis of personal knowledge, while an advocate is expected to explain and comment on evidence given by others. It may not be clear whether a statement by an advocate-witness should be taken as proof or as an analysis of the proof." Ill. Rules of Prof'l. Conduct (201) R. 3.7 Advocate-Witness Rule cmt. 2 (eff. Jan. 1, 2010).

⁶ Section 17-13-0107-A(2)(a) of the Chicago Zoning Ordinance.

The ZONING BOARD OF APPEALS stated that such reformation was beyond its powers and that it had to follow the procedures set forth in the Chicago Zoning Ordinance.

Ms. Geertsma testified that she understood.

Ms. Meyers then testified that she did not understand why the Applicant was removing 2000 trees.

Ms. Dafoe testified that the Applicant was not removing 2000 trees. She testified that strict compliance with the Landscape Ordinance would require that the Applicant install 2000 trees on the subject property. She testified that the Applicant did not have the capacity to install 2000 trees and run both the existing facility and the proposed metal shredder on the subject property. She testified that the Applicant had agreed to add 200 trees to Avenue O.

Ms. Meyers then testified that she did not understand why the Applicant was only adding trees to such a small area.

Mr. Borstein clarified to Ms. Meyers that the landscaping requirement under the Chicago Zoning Ordinance was 5.9 acres for the subject property and the Applicant would be providing 6.2 acres of landscaping along Avenue O. He stated that the Applicant was adding landscaping that would not otherwise be required. He stated that the Applicant's landscaping plan was done at the direction and recommendation of the Department.

The ZONING BOARD OF APPEALS then asked the Department to speak to this issue.

The Department presented the testimony of Coordinating Planner Mr. Nelson Chueng. Mr. Chueng testified that given the nature of operations of the subject property, there is no place to provide landscaping on the subject property itself. He testified that as a result, the Applicant will be providing landscaping along Avenue O. He testified as to the Department's actions and recommendations with respect to this landscaping along Avenue O.

Ms. Meyers then asked a series of questions with respect to storm water management. In response to her questions, Mr. Sledz provided further testimony.

Ms. Juliana Pino, home address unknown, testified in opposition to the applications. While a good portion of her testimony was not relevant to the ZONING BOARD OF APPEALS' inquiry, she testified that the current metal shredder had had a fire in 2015 and that she did not have any indication that additional safety measures had been taken with the proposed metal shredder.

In response to Ms. Pino's testimony, Mr. Labkon testified briefly to the 2015 fire and to the safety measures that were incorporated at the current metal shredder after the 2015 fire. He testified that such safety measures would be incorporated at the proposed metal shredder.

Ms. Pino then asked about job training and recruitment. In response to her questions, Mr. Labkon provided further testimony. This led to a long discussion wherein the ZONING BOARD OF APPEALS ultimately noted that local hiring by the Applicant was not a requirement under the Zoning Ordinance for either a special use in a planned manufacturing district or a variation.

Ms. Olga Bautista, of 11100 South Avenue L, testified in opposition to the applications. While most of her testimony was not relevant to the ZONING BOARD OF APPEALS' inquiry, she did testify that she was concerned about air quality, water quality and traffic. In response to her concerns, Mr. Labkon and Mr. Doron provided further testimony.

Ms. Peggy Salazar, of 9719 S. Houston, testified in opposition to the applications. In response to her questions with respect to fire, Mr. Labkon provided further testimony.

Ms. Victoria Persky, of 518 Barry Avenue, testified in opposition to the applications.

Ms. Caroline Wooten, of 70 E. Lake Street, testified in opposition to the applications.

Ms. Angelika Vassilatos, of 5841 S. Ellis Avenue, testified in opposition to the applications.

Ms. Julia Redemacher-Wedd, of 5615 S. Woodlawn Avenue, testified in opposition to the applications.

Mr. Patrick Baranouskas, of Rogers Park, testified in opposition of the applications. In response to his questions, Mr. Labkon testified that the current metal shredder would be closing.

Mr. Pat Williams, of 1682 W. Thorndale Avenue, testified in opposition to the applications.

Ms. Olivia Gostch, of 5550 S. Blackstone Avenue, testified in opposition to the applications.

B. Criteria for a Special Use in a Planned Manufacturing District

Pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance, no special use application may be approved unless the ZONING BOARD OF APPEALS finds that the proposed use in its proposed location meets all of the following criteria: (1) it complies with all applicable standards of the Chicago Zoning Ordinance; (2) it is in the interest of

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

Pursuant to Section 17-13-0905-C of the Chicago Zoning Ordinance, in acting on any application within a planned manufacturing district, the ZONING BOARD OF APPEALS must apply the general criteria of Section 17-13-0905-A of the Chicago Zoning Ordinance and make specific findings on the probable effects of the proposed use on: (1) existing manufacturing activities, including the potential for land use conflicts and nuisance complaints; and (2) efforts to market other property within the planned manufacturing district for industrial use.

C. Criteria for a Variation

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

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

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

neighborhood in which the property is located; and (6) the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

III. FINDINGS OF FACT

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

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

As Ms. Knapp very credibly testified, with the exception of the special use and variation, the Applicant's proposed metal shredder complies with all standards of the Chicago Zoning Ordinance, including but not limited to setbacks, floor area ratio and fencing. Since the ZONING BOARD OF APPEALS has decided to grant both the special use and variation, the proposed special use complies with all applicable standards of the Chicago Zoning Ordinance.

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

The proposed special use is in the interest of the public convenience because without the proposed metal shredder, there would be a terrible disruption to the recycling chain in the City, with significant negative economic and environmental consequences. The ZONING BOARD OF APPEALS finds Mr. Labkon to be a very credible witness on this point. Further, the proposed special use will not have a significant adverse impact on the general welfare of the neighborhood or community. The subject property is located in PMD-6 and is surrounded by other manufacturing uses, including RMG's existing facility. As very credibly testified to by Mr. Labkon, Mr. Tolin, Mr. Doron, Mr. Pinion and Mr. Sledz, the Applicant's operations will be very well run. The proposed metal shredder will therefore neither disrupt these nearby manufacturing uses nor impact the residential uses further away. Indeed, Mr. Edfors very credibly testified that the proposed metal shredder will not have any negative impact on property values and will, instead, likely have a positive economic impact on the community.

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

The subject property is located in PMD-6. As Ms. Knapp very credibly testified, PMD-6 is characterized by large industrial buildings and significant outdoor operations, including areas for material stockpiles and the accommodation of all

trucking, including staging. The design of the proposed metal shredder includes several buildings and room for significant outdoor operations, including areas for material stockpiles and the accommodation of all trucking, including staging. Therefore, the proposed special use is compatible with the character of the surrounding area in terms of site planning and building scale and project design.

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

The combined testimony of Ms. Knapp, Mr. Labkon, Mr. Tolin, Mr. Doron, Mr. Pinion and Mr. Sledz leaves no doubt that the proposed special use is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation. The ZONING BOARD OF APPEALS finds Ms. Knapp, Mr. Labkon, Mr. Tolin, Mr. Doron, Mr. Pinion and Mr. Sledz to be very credible witnesses. DPH allows for operating hours between 7:00 AM to 9:00 PM. The Applicant may request a waiver from these operating hours (i.e., to operate longer), but the proposed metal shredder itself would only operate within these hours. These hours are similar to those of the existing facility. The lighting has been designed so that it is directed on-site and does not spill onto any other neighboring properties. The proposed metal shredder will be entirely enclosed which will significantly reduce the noise generated by the shredding operation; moreover, the subject property itself is over 2000 feet from the nearest residence. While there will be more trucks due to the proposed special use, these trucks can be readily accommodated with minimal impact on the surrounding businesses and property owners due to the subject property's access to a favorable street network, the interstate highway system and excellent waterway shipping opportunities.

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

The subject property is located in a planned manufacturing district, is not accessible by any public right of way and is located over 1500 feet from any residential zoning district. Ms. Knapp has designed the proposed special use to limit the number of walk paths within the facility and all pedestrian walkways will be marked with painted stripes and signage to promote pedestrian safety and comfort. Further, the Applicant will provide a private bus service to shuttle its employees. Again, the ZONING BOARD OF APPEALS finds Ms. Knapp and Mr. Doron to be very credible witnesses.

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

1. *The proposed special use will have no negative effect on existing manufacturing activities, including the potential for land use conflicts and nuisance complaints.*

The proposed metal shredder has been designed to handle all truck movements on-site. The traffic generated by the proposed metal shredder will not negatively impact the other truck-dependent industrial and manufacturing uses in the area. The proposed metal shredder will operate with similar hours of operation to the existing facility. Further, the proposed metal shredder will be completely enclosed, reducing noise and the risk of fire and will be incredibly well-run. In short, the proposed special use shall have no negative effect on existing manufacturing activities, including the potential for land use conflicts and nuisance complaints. Again, the ZONING BOARD OF APPEALS finds Ms. Knapp, Mr. Labkon, Mr. Tolin, Mr. Doron, Mr. Pinion and Mr. Sledz to be very credible witnesses.

2. *The proposed special use will have no negative effect on efforts to market other property within the planned manufacturing district for industrial use.*

The proposed metal shredder is an industrial use. It is an expansion of the existing facility which is also an industrial use. Therefore, the proposed special use will have no negative effect on efforts to market other property within the planned manufacturing district for industrial use.

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

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

If the Applicant were to strictly comply with the regulations and standards of the Chicago Zoning Ordinance in this instance, it would be required to not only provide landscaping areas but also install a little more than 2000 trees within the vehicle use area of the subject property. Based on the nature of the Applicant's operations at the subject property, namely that there will be truck, equipment and material movement crossing the entirety of the vehicle use area, such a requirement would preclude the Applicant's ability to run its business. As Ms. Knapp very credibly testified, there is simply no room to install the landscaping without significantly negatively impacting the economics of the Applicant's operations on the subject property – as well as negatively impacting the safety of the Applicant's truck drivers. As Mr. Valenziano very credibly testified, if the required number of trees were installed on the subject property, there would be no

vehicle use areas and vehicles could neither circulate nor park. This creates a practical difficulty or particular hardship for the subject property.

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

Pursuant to Section 17-1-0501 of the Chicago Zoning Ordinance, the requested variation promotes the public health, safety and general welfare because it will ensure truck drivers' safety. Pursuant to Section 17-1-0505 of the Chicago Zoning Ordinance, the requested variation retains and expands the City's industrial base because it will allow for the relocation of the proposed metal shredder. Pursuant to Section 17-1-0508 of the Chicago Zoning Ordinance, the requested variation maintains orderly and compatible land use and development patterns because it will allow land zoned for manufacturing and industrial use to be used by an industrial use.

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

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

Mr. Valenziano very credibly testified that if the Applicant were to abide by the Chicago Zoning Ordinance, there would be no circulation areas or parking areas on the subject property. As Ms. Knapp very credibly testified, the Applicant's operations are heavily dependent on vehicle use areas as there is truck, equipment and material movement crossing the entirety of the vehicle use area. In consequence, without the requested variation, the Applicant would be precluded from operating its recycling business on the subject property. Thus, the portion of the subject property the Applicant is leasing would remain vacant and unable to yield a reasonable rate of return. Moreover, the entirety of the subject property would also be unable to yield a reasonable rate of return because without circulation areas or parking areas, RMG's existing facility would not be able to operate either since it is also, as very credibly testified to by Mr. Tolin, has significant outdoor operations that rely on transporting materials by truck.

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

As Ms. Knapp very credibly testified, the fact that the Applicant's operations are heavily dependent on truck movements and equipment and materials moving all over the site is a unique circumstance and not generally applicable to other property zoned for manufacturing or industrial use as other property zoned for

manufacturing or industrial use typically has indoor operations and large parking areas for employees.

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

There are currently no trees on the subject property. The subject property is surrounded on all sides by industrial uses, does not abut a public right of way and any landscaping on site would not be visible from any public right of way or residential zoning district (as the nearest residential zoning district is over 1500 feet away). Therefore, the variation, if granted, will not alter the essential character of the neighborhood.

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

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

The particular topographical conditions of the subject property – that is, the fact that the Applicant's operations are heavily dependent on truck movements and equipment and materials moving all over the site – results in particular hardship upon not only the Applicant but also upon the property owner⁷ because without the requested variation, the Applicant would not be able to operate its business on the subject property.

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

The fact the Applicant's operations are heavily dependent on truck movements and equipment and materials moving all over the site is not a condition generally applicable to other property within a PMD zoning classification. As Ms. Knapp very credibly testified, other manufacturing or industrial uses do not have similar operations. Instead, manufacturing or industrial use typically has indoor operations and large parking areas for employees.

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

⁷ As both the Applicant and South Chicago Property Management, Ltd. are wholly-owned subsidiaries of RMG.

Without the requested variation, the Applicant could not perform its business operations on the subject property. Thus, the purpose of the variation is not based exclusively upon a desire to make more money out of the subject property but is instead necessary for the Applicant to operate. Further, as the Applicant will be landscaping 6.2 acres alongside Avenue O, it will be expending money with respect to the variation.

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

As very credibly testified to by Ms. Knapp and Mr. Valenziano, it is the Chicago Zoning Ordinance itself that creates the practical difficulty or particular hardship in this instance. It has not been created by the Applicant, South Chicago Property Management, Ltd. or RMG.

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

The variation is to allow the Applicant to obtain a waiver from the Chicago Landscape Ordinance for its vehicle use area. Currently, there are no trees on the subject property. The subject property is surrounded on all sides by industrial uses, does not abut a public right of way and any landscaping on site would not be visible from any public right of way or residential zoning district (as the nearest residential zoning district is over 1500 feet away). Nevertheless, the Applicant will be providing 6.2 acres of landscaping along Avenue O, which is a public right of way. Such landscaping will be vast improvement to Avenue O as the Applicant will be following the recommendations of the Department as very credibly testified to by Mr. Chueng and Ms. Dafoe. Therefore, the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the subject property is located.

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

The variation is to allow the Applicant to obtain a waiver from the Chicago Landscape Ordinance for its vehicle use area. There are currently no trees on the subject property and with the waiver, there will be the addition of ten trees on the subject property. Thus, the variation will not impair an adequate supply of light and air to adjacent property, increase the congestion in the public streets or increase the danger of fire. It will also not endanger the public safety or substantially diminish or impair property values within PMD-6.

IV. CONCLUSION

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

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

1. The special use shall be issued solely to the Applicant;
2. Development shall be consistent with the layout and design represented on the site plan dated March 15, 2019, and prepared by Knight E/A, Inc.;
3. All landscaping shall be installed consistent with the landscape plans, including the plans for the landscape mitigation area along South Avenue O between 114th and 116th Streets, dated March 15, 2019, and prepared by Upland Design, Ltd.;
4. All landscaping shall be maintained in accordance with Section 17-11-0500 of the Chicago Zoning Ordinance for a period of five (5) years from the date of installation;
5. The Applicant shall install air monitors of the type, number and locations as determined and approved by DPH;
6. The Applicant shall perform noise modeling and monitoring as established and approved by DPH;
7. The Applicant shall install the freestanding business identification sign and associated landscaping consistent with the plan dated March 15, 2019, and prepared by Knight E/A, Inc; and
8. The Applicant shall install signage along 116th Street (private) and Avenue O (public) directing trucks to travel south on Avenue O when leaving the facility, consistent with the plan dated March 15, 2019, and prepared by Knight E/A, Inc.

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

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

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

APPLICANT: Shoreditch, LLC **CAL NO.:** 180-19-Z

APPEARANCE FOR: Sara Barnes **MINUTES OF MEETING:** March 15, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3259 N. Racine Avenue

NATURE OF REQUEST: Application for a variation to increase the area occupied by an accessory building from the maximum 538.69 square feet to 546.09 square feet for a detached three car garage with roof deck and an existing stair to remain to allow for a three-story, three dwelling unit building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

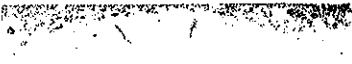
AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 1, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to increase the area occupied by an accessory building to 546.09 square feet for a detached three car garage with roof deck and an existing stair to remain to allow for a three-story, three dwelling unit building; three additional variations were also granted to the subject property in Cal. Nos. 181-19-Z, 622-18-Z(A), and 623-18-Z(A); the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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



APR 22 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Shoreditch, LLC **CAL NO.:** 181-19-Z
APPEARANCE FOR: Sara Barnes **MINUTES OF MEETING:**
March 15, 2019
APPEARANCE AGAINST: None
PREMISES AFFECTED: 3259 N. Racine Avenue

NATURE OF REQUEST: Application for a variation to relocate the required 195 square feet of rear yard open space to a deck for a proposed three-story, three dwelling unit building with a three car garage with roof deck and access stairs.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

FARZIN PARANG
 SHAINA DOAR
 SYLVIA GARCIA
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on March 1, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to relocate the required 195 square feet of rear yard open space to a deck for a proposed three-story, three dwelling unit building with a three car garage with roof deck and access stairs; three additional variations were also granted to the subject property in Cal. Nos. 180-19-Z, 622-18-Z(A), and 623-18-Z(A); 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

APR 22 2019

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

APPLICANT: Avi Ron

CAL NO.: 61-19-Z

APPEARANCE FOR: John Pikarski

MINUTES OF MEETING:
March 15, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2939-47 W. Catalpa Avenue

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 22.88' to 20', east setback from 12.01' to 1.47', west setback from 12.01' to 6.41' combined side setback from 36.02' to 7.88' to divide an existing zoning lot into two zoning lots. The existing building at 2939 W. Catalpa shall remain. A single family residence is proposed for 2947 W. Catalpa.

ACTION OF BOARD-

Continued to May 17, 2019 at 9:00 a.m.

THE VOTE

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
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: Jack Tusk **CAL NO.:** 62-19-Z

APPEARANCE FOR: Tyler Manic **MINUTES OF MEETING:**
March 15, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 5343 N. Wayne Avenue

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

ACTION OF BOARD-
Withdrawn

THE VOTE

	AFFIRMATIVE	NEGATIVE	ABSENT
FARZIN PARANG	X		
SHAINA DOAR	X		
SYLVIA GARCIA	X		
SAM TOIA	X		
AMANDA WILLIAMS			X

APPROVED AS TO SUBSTANCE


CHAIRMAN

APR 22 2019

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

APPLICANT: Grief Properties, Inc.

CAL NO.: 76-19-Z

APPEARANCE FOR: Rolando Acosta

MINUTES OF MEETING:
March 15, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1638 N. Sedgwick Street

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 25.93' to 9.45', north from 2' to zero (south to be 3.33'), combined side setback from 4.80' to 3.33' for a proposed four-story, two dwelling unit building and an existing two car garage.

ACTION OF BOARD-
Continued to April 19, 2019 at 9:00 a.m.

THE VOTE

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
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: Shepherd Real Estate Subsidiary, LLC-1901 Halsted Series

CAL NO.: 79-19-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
March 15, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1877 N. Halsted Street

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 39.38' to 5' for a proposed four-story, twelve dwelling unit building with an attached thirteen car garage with roof decks and access stairs.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on February 4, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 5' for a proposed four-story, twelve dwelling unit building with an attached thirteen car garage with roof decks and access stairs; three additional variations were also granted to the subject property in Cal. Nos. 80-19-Z, 81-19-Z, and 82-19-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

APR 22 2019


CHAIRMAN

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

APPLICANT: Shepherd Real Estate Subsidiary, LLC-1901 Halsted Series

CAL NO.: 80-19-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
March 15, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1877 N. Halsted Street

NATURE OF REQUEST: Application for a variation to relocate the required 832.35 square feet of rear yard open space to a deck or patio which is more than 4' above grade for a proposed four-story, twelve dwelling unit building with an attached thirteen car garage with roof decks and access stairs.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on February 4, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to relocate the required 832.35 square feet of rear yard open space to a deck or patio which is more than 4' above grade for a proposed four-story, twelve dwelling unit building with an attached thirteen car garage with roof decks and access stairs; three additional variations were also granted to the subject property in Cal. Nos. 79-19-Z, 81-19-Z, and 82-19-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore


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

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

APR 22 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Shepherd Real Estate Subsidiary, LLC-1901 Halsted Series

CAL NO.: 81-19-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
March 15, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1877 N. Halsted Street

NATURE OF REQUEST: Application for a variation to allow a 16' wide driveway along a pedestrian street to access required parking on a lot that does not have alley access for a proposed four-story, twelve dwelling unit building with an attached thirteen car garage with roof decks and stairs for access.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on February 4, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be allowed a 16' wide driveway along a pedestrian street to access required parking on a lot that does not have alley access for a proposed four-story, twelve dwelling unit building with an attached thirteen car garage with roof decks and stairs for access; three additional variations were also granted to the subject property in Cal. Nos. 79-19-Z, 80-19-Z, and 82-19-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

APR 22 2019



CHAIRMAN

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

APPLICANT: Shepherd Real Estate Subsidiary, LLC-1901 Halsted Series

CAL NO.: 82-19-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
March 15, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1877 N. Halsted Street

NATURE OF REQUEST: Application for a variation to reduce the required 25% of street facing transparent window area from the required 291.6 square feet to 218.7 square feet and to allow a recessed entry along a pedestrian street that is 22.31' in width and 15.13' in depth for a proposed four-story, twelve dwelling unit building with an attached thirteen car garage with roof decks and stairs to access.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

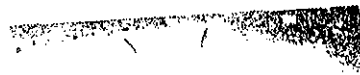
AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on February 4, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the required 25% of street facing transparent window area to 218.7 square feet and to allow a recessed entry along a pedestrian street that is 22.31' in width and 15.13' in depth for a proposed four-story, twelve dwelling unit building with an attached thirteen car garage with roof decks and stairs to access; three additional variations were also granted to the subject property in Cal. Nos. 79-19-Z, 80-19-Z, and 81-19-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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



APR 22 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Thorntons Inc. c/o Drew Zazofsky

CAL NO.: 84-19-S

APPEARANCE FOR: Tyler Manic

MINUTES OF MEETING:
March 15, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2335-61 W. Ogden / 2300-36 W. 13th St. / 1230-52 S. Oakley

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

ACTION OF BOARD-
Continued to April 19, 2019 at 9:00 a.m.

THE VOTE

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

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

APPLICANT: John Difilippo

CAL NO.: 89-19-Z

APPEARANCE FOR: Thomas Moore

MINUTES OF MEETING:
March 15, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2645 W. 107th Street

NATURE OF REQUEST: Application for a variation to increase the area occupied by an accessory building in the rear setback from the maximum 1,008 square feet to 1,102.90 square feet (16.34' x 20.10') which serves the existing single family residence.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

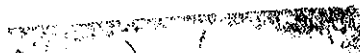
AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on February 4, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to increase the area occupied by an accessory building in the rear setback to 1,102.90 square feet (16.34' x 20.10') which serves the existing single family residence; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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



APPROVED AS TO SUBSTANCE

APR 22 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS


CHAIRMAN

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



MAY 20 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

The Night Ministry
APPLICANT

111-19-S
CALENDAR NUMBER

1735 N. Ashland Avenue
PREMISES AFFECTED

March 15, 2019
HEARING DATE

ACTION OF BOARD

THE VOTE

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

	AFFIRMATIVE	NEGATIVE	ABSENT
Farzin Parang, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Shaina Doar	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sylvia Garcia	<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"/>

**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE SPECIAL USE APPLICATION FOR 1735 N.
ASHLAND AVENUE BY THE NIGHT MINISTRY**

I. BACKGROUND

The Night Ministry (the "Applicant") submitted a special use application for 1735 N. Ashland Avenue (the "subject property"). The subject property is currently zoned M1-2 and is improved with a four-story commercial building (the "building"). The Applicant proposed to use the first floor of the building as a temporary overnight shelter for up to twenty-five homeless youth. To permit this, the Applicant sought a special use for a temporary overnight shelter for up to twenty-five homeless youth. In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City's Department of Planning and Development recommended approval of the temporary overnight shelter for up to twenty-five homeless youth, provided the development was issued solely to the Applicant.

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's special use application at its regular meeting held on March 15, 2019, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Sun-Times*, and as continued

APPROVED AS TO SUBSTANCE

CHAIRMAN

without further notice pursuant to Section 17-13-0108-A of the Chicago Zoning Ordinance. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure, the Applicant had submitted its proposed Findings of Fact. The Applicant's president and CEO Mr. Paul Hamann and its attorney Mr. Joseph P. Gattuso were present. The Applicant's youth engagement manager Ms. Lashaunda Battie, senior vice president Ms. Erin Ryan, vice president for strategic partnerships Ms. Barb Bolsen, and community leader manger Ms. Jenny Merritt were present. The Applicant's architect Mr. Larry Kearns and its land planner Mr. George Kisiel were present. Testifying in support of the application were Mr. Charles Satterlee, Ms. Jillian Westerfield, Ms. Natalie Crampton, Ms. Lindsay Adams, Rev. Liala Beukema, Ms. Jenny Anselmo, Rev. Jason Glombicki, Mr. Edward Varndell, Mr. Don Mizerk, Ms. Shannon Evans, Mr. Jacob Ringe, Mr. James McIntyre and Alderman Scott Waguespack. Testifying in opposition to the application were Mr. Philip Anthony, Ms. Sawa Fernandes, Mr. Allen Ericksen, Mr. Brian Chernett and Ms. Christine Hutton. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

The Applicant's attorney Mr. Joseph P. Gattuso gave a brief overview of the Applicant's application. He stated that the Applicant has provided numerous services to the City's homeless, particularly homeless youth, for over forty (40) years and currently operates five (5) residential programs for youth experiencing homelessness or housing instability in the City. He stated that the Applicant's proposed special use would allow the Crib (one of these five (5) programs) to relocate from 835 W. Addison to the subject property.

The Applicant presented the testimony of its president and CEO Mr. Paul Hamann. Mr. Hamann testified as to his experience working with homeless youth. He then testified as to the importance of working with homeless youth as well as general background with respect to the Applicant and its operations. He testified that the Applicant was relocating the Crib from 835 W. Addison to the subject property because it had outgrown 835 W. Addison. He testified that the subject property would not only house the Crib but also the Applicant's headquarters and administrative offices. He testified that the subject property would also provide a location for the Applicant to store its mobile service units. He testified that due to all this, there would almost always be a representative of the Applicant on the subject property (with the possible exception of Saturday and Sunday mornings after the Crib had closed).

The Applicant presented the testimony of its youth engagement manager for the Crib Ms. Lashaunda Battie. Ms. Battie testified as to the day-to-day operations of the Crib as well as how the Crib would operate at the subject property.

The Applicant presented the testimony of its senior vice president Ms. Erin Ryan. Ms. Ryan testified as to the Applicant's de-escalation policies and procedures.

In response to questions by the ZONING BOARD OF APPEALS, Ms. Battie further testified as to intake procedures at the Crib.

The Applicant presented the testimony of its project architect Mr. Larry Kearns. Mr. Kearns testified that the intake waiting area for the proposed temporary shelter could accommodate thirty (30) people.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Hamann and Ms. Ryan provided further testimony.

The Applicant presented the testimony of its vice president for strategic partnerships Ms. Barb Bolsen. Ms. Bolsen testified as to how the Applicant's bed reservation app worked.

In response to questions by the ZONING BOARD OF APPEALS, Ms. Battie provided further testimony as to how the Applicant's intake procedure at the proposed temporary shelter would differ from what currently occurs at 835 W. Addison.

The Applicant presented the testimony of its community leader manager Ms. Jenny Merritt. Ms. Merritt testified as to her community outreach with respect to the proposed temporary shelter.

The Applicant again presented the testimony of Mr. Hamann. Mr. Hamann further testified as to the better services the Applicant could provide on the subject property (as opposed to the 835 W. Addison location).

The Applicant presented the testimony of its land planner Mr. George Kisiel. The ZONING BOARD OF APPEALS recognized Mr. Kisiel's credentials as an expert in land planning. He testified that he had been retained by the Applicant to provide an evaluation of the proposed use of the subject property. He testified that during the course of his evaluation he had become familiar with the subject property and its surrounding environment, with the specific operational characteristics of the proposed use and the nature, history and reputation of the Applicant. He testified that he had prepared a report containing a detailed exposition of his findings and conclusions and that said report had been previously submitted to the ZONING BOARD OF APPEALS. He then briefly summarized his findings and conclusions and concluded his testimony by testifying that the proposed special use met all necessary criteria for a special use under the Chicago Zoning Ordinance.

The following people testified in support of the application: Mr. Charles Satterlee, of 1639 N. Altgeld, Ms. Jillian Westerfield, of 2518 W. Iowa, Ms. Natalie Crampton, of 1728 W. Pierce, Ms. Lindsay Adams, of 855 W. Addison, the Rev. Liala Beukema, of the Lakeview Lutheran Church located at 835 W. Addison, Ms. Jenny Anselmo, of 1916 N. Oakley and 1740 N. Marshfield, the Rev. Jason Glombicki, of the Wicker Park Lutheran Church located at 1500 N. Hoyne, Mr. Edward Varndell, of 2153 W. North Avenue, Mr. Don Mizerk, of 1835 N. Hoyne, Ms. Shannon Evans, of 1725 N. Ashland, Mr. Jacob Ringe, of 614 W. Willow, and Mr. James McIntyre, of 6503 N. Ashland.

Mr. Phillip Anthony, of 1834 Paulina Street, testified in opposition to the application. He testified that he believed the proposed special use would have a significant adverse impact on the community as there were problems with guns, crime and assault on police at the Applicant's current shelter. He testified that he believed the shelter would draw sex offenders to the location. He testified that he was therefore concerned about how the Applicant screened its clients, especially due to the subject property's proximity to both Burr School and Walsh Park.

In response to Mr. Anthony's concerns, the ZONING BOARD OF APPEALS elicited further testimony from Mr. Hamann and Ms. Merritt.

Mr. Anthony then read into the record a statement from Mr. James Walsh who had left before the hearing had begun.

Ms. Sawa Fernandes, address unknown, testified in opposition to the application. She testified that she was concerned about people turned away (or expelled) from the Applicant's program staying in the neighborhood and adversely impacting the neighborhood.

The ZONING BOARD OF APPEALS stated that the Applicant had covered its intake procedures and its disciplinary procedures in its testimony.

Mr. Allen Ericksen, of 2136 W. Homer, and Mr. Mitchell Hutton, of 1401 N. Bosworth, testified in opposition to the application. Their opposition stemmed from their concerns regarding neighborhood safety.

Mr. Brian Chernet, of 1757 N. Paulina, testified in opposition to the application. He testified that he was concerned about people turned away from the Applicant's program.

In response to his testimony, Ms. Ryan provided further testimony as to how the Applicant handled overflow.

In response to this, Mr. Hutton restated his opposition to the shelter.

Ms. Christine Hutton, also of 1401 N. Bosworth, testified in opposition to the shelter. Her opposition stemmed from her concern regarding children's safety.

B. Criteria for a Special Use

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

compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation; and (5) it is designed to promote pedestrian safety and comfort.

III. FINDINGS OF FACT

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

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

As Mr. Kisiel very credibly testified and as set forth in far greater detail in his report, the Applicant's proposed development on the subject property complies with all standards of the Chicago Zoning Ordinance. Since the proposed development will house the proposed special use, the proposed special use therefore also complies with all applicable standards of the Chicago Zoning Ordinance.

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

The proposed special use is in the interest of the public convenience as it will allow for the Applicant to relocate its north side temporary overnight youth shelter from a space it has long outgrown to a new facility that is well-served by public transportation. The ZONING BOARD OF APPEALS agrees with Mr. Hamann that it is critical for organizations such as the Night Ministry to work with homeless youth so that chronic adult homelessness may be prevented. The proposed special use will not have a significant adverse impact on the general welfare of the neighborhood or community because it will be very well-run, just as the Applicant's current north side temporary overnight youth shelter at 835 W. Addison is currently well-run. The ZONING BOARD OF APPEALS finds Mr. Hamann, Ms. Battie, Ms. Ryan, Ms. Bolsen and Rev. Beukema to be very credible witnesses – especially with respect to the Applicant's day-to-day operations.

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

The proposed special use will be located within an existing building. As set forth in Mr. Kisiel's report, the building has been on the subject property for over a century. It is part of the urban fabric and provides a transition and buffer to the

elevated Kennedy Expressway to the east. Ample parking is available on-site and no significant exterior modifications are proposed. It therefore is compatible with the character of the surrounding area in terms of site planning and building scale and project design.

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

As testified to by Mr. Kisiel and as set forth in far greater detail in his report, the subject property is located in a primarily commercial mixed-use area. The proposed special use will be most active after normal business hours and will not interfere with commercial use in the area. It is isolated and buffered from the few residential structures in the vicinity and will have no negative impact on existing residences. Operating characteristics of the proposed special use are designed to ensure that no disruption in the area will occur. Guests of the proposed special use will spend the majority of their time at the proposed special use sleeping. This will occur during the evening and early morning hours when most others in the community are also asleep. Guests will arrive in the evening and will depart in the morning in the same manner as most residents in the nearby residential areas. The operation characteristics of the proposed special use will therefore be essentially the same as those of area residential uses. There will be limited traffic to and from the subject property and any traffic that is generated will generally take place during off-peak hours. Outdoor lighting will not be disruptive or invasive and will be designed to meet all necessary standards. The ZONING BOARD OF APPEALS finds Mr. Kisiel to be a very credible witness.

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

As set forth in Mr. Kisiel's report, no changes are being proposed to the subject property that would adversely affect pedestrian safety and comfort. No additional curb cuts or vehicular access points are contemplated, and the volume of vehicular traffic generated would be less than the prior permitted office use on the subject property. As a majority of users of the proposed special use would be arriving by foot or by public transportation, pedestrian activity will increase over the prior office use, activating the street and contributing to pedestrian safety and comfort. That such pedestrian activity does increase and contribute to pedestrian safety and comfort can easily be seen in the very credible testimony of Ms. Adams.

IV. CONCLUSION

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

APPLICANT: Maquella Management, LLC

CAL NO.: 537-18-S

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:
March 15, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 5252 S. Archer Avenue

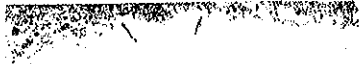
NATURE OF REQUEST: Application for a special use to establish a six pump gas station with an accessory one-story retail sales and restaurant with drive-through use building and a two-story car wash use building.

ACTION OF BOARD-
Application Withdrawn

THE VOTE

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X



APR 22 2019

CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Maquella Management, LLC

CAL NO.: 538-18-S

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:
March 15, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 5252 S. Archer Avenue

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

ACTION OF BOARD-
Application Withdrawn

THE VOTE

FARZIN PARANG
SHAINA DOAR
SYLVIA GARCIA
SAM TOIA
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

APR 22 2019
CITY OF CHICAGO
ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Shoreditch, LLC **CAL NO.:** 622-18-Z (A)
APPEARANCE FOR: Sara Barnes **MINUTES OF MEETING:**
March 15, 2019
APPEARANCE AGAINST: None
PREMISES AFFECTED: 3259 N. Racine Avenue

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 14.84' to 11' for a proposed three-story, three dwelling unit building.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

	AFFIRMATIVE	NEGATIVE	ABSENT
FARZIN PARANG	X		
SHAINA DOAR	X		
SYLVIA GARCIA	X		
SAM TOIA	X		
AMANDA WILLIAMS			X

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 2, 2018; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the front setback to 11' for a proposed three-story, three dwelling unit building; three additional variations were also granted to the subject property in Cal. Nos. 180-19-Z, 181-19-Z, and 623-18-Z(A); 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

APR 22 2019

APPLICANT: Shoreditch, LLC **CAL NO.:** 623-18-Z (A)
APPEARANCE FOR: Sara Barnes **MINUTES OF MEETING:**
 March 15, 2019
APPEARANCE AGAINST: None
PREMISES AFFECTED: 3259 N. Racine Avenue

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

**ACTION OF BOARD-
 VARIATION GRANTED**

THE VOTE

FARZIN PARANG
 SHAINA DOAR
 SYLVIA GARCIA
 SAM TOIA
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
		X

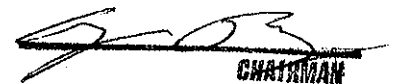
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 15, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on November 2, 2018; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the minimum lot area per dwelling unit to 993.32 (which is less than 10%) for a proposed Three-story, three dwelling unit building; three additional variations were also granted to the subject property in Cal. Nos. 180-19-Z, 181-19-Z, and 622-18-Z(A); 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

APR 22 2019
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS