

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

**APPLICANT:** Kauri Property Management, LLC

**CAL NO.:** 1-15-Z

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
January 16, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 2142 North Magnolia Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval of the establishment of to reduce the south side setback from 2' to 0'; to reduce the combined side setback from 5' to 2.92'; and, to reduce the rear setback from 35' to 23.17' for a proposed three-story, rear, addition with an open, two-story, rear deck on an existing, three-story, single family residence connected to a proposed two-car garage via a second floor catwalk.

**ACTION OF BOARD-**  
CASE CONTINUED TO MARCH 15, 2015

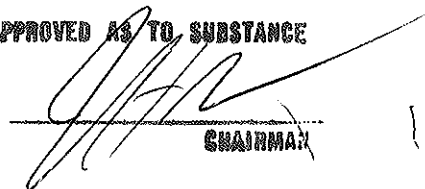
**THE VOTE**

MAR 04 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

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:** 5557-59 S University, LLC

**CAL NO.:** 2-15-Z

**APPEARANCE FOR:** Danielle Cassel

**MINUTES OF MEETING:**  
January 16, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 5557-59 South University Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from 24.78' to 7.76'; to reduce the rear yard open space from 1,575 square feet to 0 square feet; to exceed the maximum floor area of 6,217 square feet by not more than 15% (813 square feet); and, to increase the maximum height of 30' by not more than 10% (3') for a three-story, rear addition and a three-story, rear, open porch added to an existing three-story, seven-unit building.

**ACTION OF BOARD:**  
VARIATION GRANTED

**THE VOTE**

MAR 04 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
		X
X		

**THE RESOLUTION:**

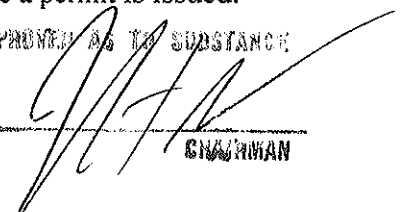
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on January 16, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 1, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 7.76'; to reduce the rear yard open space to 0 square feet; to exceed the maximum floor area of 6,217 square feet by not more than 15% (813 square feet); and, to increase the maximum height of 30' by not more than 10% (3') for a three-story, rear addition and a three-story, rear, open porch added to an existing three-story, seven-unit building; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE



\_\_\_\_\_  
CHAIRMAN

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

**APPLICANT:** Central Metal Recycling, LLC

**CAL NO.:** 3-15-S

**APPEARANCE FOR:** G. A. Finch

**MINUTES OF MEETING:**  
January 16, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 5618 West Fillmore Street

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a Class IV-A recycling facility.

**ACTION OF BOARD:**  
APPLICATION APPROVED

**THE VOTE**

MAR 04 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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X		

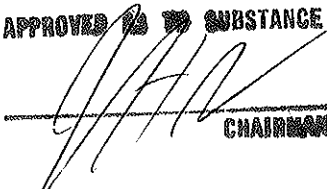
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on January 16, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 1, 2015; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The Department of Planning and Development recommends approval of the proposed Class IV-A recycling facility provided the development is established consistent with the design, layout, materials and plans prepared by Pence Schwartz and Associates and dated December 15, 2014.

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

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

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

**APPLICANT:** West Ancona, Inc. **CAL NO.:** 4-14-Z  
**APPEARANCE FOR:** Mark Kupiec **MINUTES OF MEETING:**  
 January 16, 2015  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1337 West Ancona Street

**NATURE OF REQUEST:** Application for a variation to reduce the front setback from 7.2' to 0'; to reduce the front obstruction setback from 20' to 0'; to reduce the rear setback from 16.8' to 8'; to reduce the west side setback from 2' to 0'; to reduce the combined side setback from 4.8' to 3'; and, to reduce the rear yard open space from 93 square feet to 60 square feet for a proposed, two-story, single-family residence with a below-grade, two car garage accessed directly from West Ancona Street.

**ACTION OF BOARD-**  
**VARIATION GRANTED**

**THE VOTE**

MAR 04 2015  
 CITY OF CHICAGO

JONATHAN SWAIN  
 CATHERINE BUDZINSKI  
 SOL FLORES  
 SHEILA O'GRADY  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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X		
		X
X		

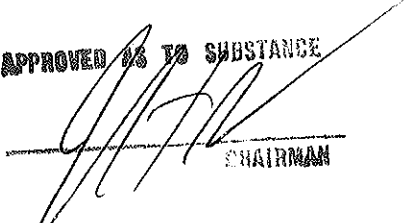
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on January 16, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 1, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the front setback to 0'; to reduce the front obstruction setback to 0'; to reduce the rear setback to 8'; to reduce the west side setback to 0'; to reduce the combined side setback to 3'; and, to reduce the rear yard open space from 93 square feet to 60 square feet for a proposed, two-story, single-family residence with a below-grade, two car garage accessed directly from West Ancona Street; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE  
  
 CHAIRMAN

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

**APPLICANT:** West Ancona, Inc. **CAL NO.:** 5-15-Z  
**APPEARANCE FOR:** Sara Barnes **MINUTES OF MEETING:**  
January 16, 2015  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1339 West Ancona Street

**NATURE OF REQUEST:** Application for a variation to reduce the front setback from 7.2' to 0'; to reduce the front obstruction setback from 20' to 0'; to reduce the rear setback from 16.8' to 8'; to reduce the east side setback from 2' to 0'; to reduce the combined side setback from 4.8' to 3'; and, to reduce the rear yard open space from 93 square feet to 60 square feet for a proposed, two-story, single-family residence with a below-grade, two car garage accessed directly from West Ancona Street.

**ACTION OF BOARD-**  
**VARIATION GRANTED**

**THE VOTE**

FEB 25 2015  
 CITY OF CHICAGO

JONATHAN SWAIN  
 CATHERINE BUDZINSKI  
 SOL FLORES  
 SHEILA O'GRADY  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
		X
X		

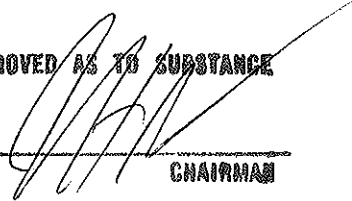
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on January 16, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 1, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the front setback to 0'; to reduce the front obstruction setback to 0'; to reduce the rear setback to 8'; to reduce the east side setback to 0'; to reduce the combined side setback to 3'; and, to reduce the rear yard open space from 93 square feet to 60 square feet for a proposed, two-story, single-family residence with a below-grade, two car garage accessed directly from West Ancona Street; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE  
  
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 CHAIRMAN

**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

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



MAR 04 2015  
CITY OF CHICAGO

**The Alverna Group, LLC**  
APPLICANT

**6-15-Z**  
CALENDAR NUMBER

**1050 North Paulina Street**  
PREMISES AFFECTED

**January 16, 2015**  
HEARING DATE

**Mark Kupiec**  
APPEARANCE FOR APPLICANT

**George Blakemore**  
OBJECTOR

**NATURE OF REQUEST**

Application for a variation to reduce the rear setback from 38.5' to 21.2' for a proposed three-story, three-unit building with a three-story, open, rear deck connected to a proposed three-car garage via a second floor catwalk.

**ACTION OF BOARD**

**THE VOTE**

The application for the variation is denied.

	APPROVE	DENY	ABSENT
Jonathan Swain, Chair	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Catherine Budzinski	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sol Flores	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sheila O'Grady	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sam Toia	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**THE RESOLUTION OF THE BOARD**

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on January 16, 2015, after due notice thereof as provided under Section 17-13-0107-B of this Chicago Zoning Ordinance ("Zoning Ordinance") and by publication in the *Chicago Sun-Times*; and

WHEREAS, Mr. Mark Kupiec, counsel for the Applicant, explained the underlying basis for the relief sought; that the variation requested was simply for an open deck on the top of the garage; and

WHEREAS, the Board stated that the requested variation was not simple; and

WHEREAS, Mr. Kupiec further explained that the variation requested was for a catwalk between the proposed building and the proposed rear deck; that he previously

APPROVED AS TO SUBSTANCE

CHAIRMAN

believed catwalks were a matter of right; that the Department of Planning and Development ("Department") recently changed its interpretation of the permissibility of catwalks; that this is why the Applicant is before the Board; that the timing of the Department's change in interpretation is also a hardship to the Applicant; and

WHEREAS, the Board inquired as to the Applicant's hardship with respect to the subject property; and

WHEREAS, Mr. Kupiec explained that part of the Applicant's hardship is to configure enough open space for the occupants of the proposed development; and

WHEREAS, the Board pointed out that if there were no catwalk, the stairway could be reconfigured in such a manner so as not to protrude so far away from the building; and

WHEREAS, Mr. Kupiec agreed; and

WHEREAS, the Board again inquired as to the Applicant's hardship with respect to the subject property; and

WHEREAS, Mr. Kupiec explained the Applicant has hardship generally; that catwalks have been common in the City; that the Applicant has previously built buildings with catwalks; and

WHEREAS, the Board inquired as to how many catwalks were on the subject property's block; that if the Applicant's argument for a catwalk is that the Applicant will be detrimentally affected because everybody else on the block has a catwalk, the question becomes how many catwalks are on the block; and

WHEREAS, Mr. Aiden Desmond testified on behalf of the Applicant; that he is the managing member of the Applicant; that the Applicant is the owner of the subject property; that there are catwalks at the properties of 1048 North Paulina and 1060 North Paulina; that there are also properties across the alley from the subject property that have catwalks; that the addresses for said properties are 1051 North Hermitage and 1039 North Hermitage; and

WHEREAS, the Board inquired as to whether said catwalks were legally approved; and

WHEREAS, Mr. Desmond testified that he assumed said catwalks were legally approved as they were built before the Department changed the requirement for catwalks; that there are other buildings in the area with catwalks; and

WHEREAS, the Board asked the Assistant Zoning Administrator, Mr. Steven Valenziano, to speak as to whether said catwalks were legally approved; and

WHEREAS, Mr. Valenziano testified that he could not speak to the legality of said catwalks because he did not know if said catwalks were permitted or not; that nevertheless, the Board could assume said catwalks were permitted; that he could speak to the former policy of the Department; that the former policy of the Department was to allow for a stair to access the top of the garage; that in the opinion of the Department and the Zoning Administrator, this policy was abused because the 2004 rewrite of this Zoning Ordinance was to prevent bridges, catwalks, and stair towers from filling the traditional backyard; that this Zoning Ordinance contemplates: (1) a principal building; (2) a yard at grade (though said yard may be up to four (4) feet above grade); and (3) an accessory building; that the prior policy of the Department was to consider the stair as part of the garage; that this Zoning Ordinance only permits a six (6) foot tall stair permitted in the rear setback to gain access to any allowed building; that all the Department has done is to go to a strict reading of this Zoning Ordinance; that nothing in this Zoning Ordinance has changed; that the only thing that has changed is that the Department is trying to come into compliance with this Zoning Ordinance and the intent of this Zoning Ordinance when it was rewritten in 2004; and

WHEREAS, the Board inquired if the subject catwalk would be allowed under the Department's current interpretation of this Zoning Ordinance; and

WHEREAS, Mr. Valenziano testified that the subject catwalk would not be allowed; and

WHEREAS, the Board then inquired if the subject catwalk would be allowed under the Department's former interpretation of this Zoning Ordinance; and

WHEREAS, Mr. Valenziano testified that catwalks were not allowed under the Department's prior interpretation; that if any catwalks were approved, they were not supposed to be; that what the Department formally allowed was a stair to get to the top of a roof deck; that the Department then started seeing catwalks; that neighbors and neighborhoods began to complain; that this is what led to the 2004 rewrite of this Zoning Ordinance to include the requirement for rear yard open space not just a rear yard setback; that he was involved in the analysis and writing of this 2004 Zoning Ordinance; that he is now involved in the strict reading of this Zoning Ordinance; that this Zoning Ordinance is written to permit a six (6) foot tall stair to access in a permitted building, either accessory or principal; that this is what this Zoning Ordinance states; that the Department's former policy was abused; that the present situation is not part of the Department's former policy; that the Department's former policy was to allow a stair to get to the top of a roof deck; and

WHEREAS, Mr. Kupiec stated that he was trying to understand this former policy himself; and

WHEREAS, in response to further questions by the Board, Mr. Valenziano further testified that the Department's former policy was to allow a stairway going up to the top



of a garage; that the Department's former policy did not allow a catwalk; that people began to abuse this policy; and

WHEREAS, Mr. Kupiec inquired as to architects previously submitting plans with catwalks that were approved by the Department; and

WHEREAS, Mr. Valenziano testified that architects did submit plans with catwalks; that architects also submitted plans with stairs that went from the roof deck on a three-story house down to a stair tower that filled the backyard and then further down the top of the garage; that such plans were never the intent of this Zoning Ordinance; that such plans were also never the intent of the Department's former policy and its former interpretation of this Zoning Ordinance; that the Department had been reading this Zoning Ordinance erroneously; that the Department is now strictly reading this Zoning Ordinance; and

WHEREAS, Mr. Kupiec stated he understood the reason for the change; that his question is whether or not architects had submitted plans with catwalks and had those plans approved; and

WHEREAS, Mr. Valenziano testified that he was sure there were approved plans with catwalks; that he does not know if the pictures shown by the Applicant of neighboring properties were built off of those approved plans; and

WHEREAS, Mr. Kupiec stated he had the greatest respect for Mr. Valenziano's judgment and the reasoning behind why the Department changed its interpretation of this Zoning Ordinance; that nevertheless, the change is an economic hardship to the Applicant as there is now a lack of reasonable return of investment; that it is unfair for the people in the interim that had projects in the pipeline and bought land and have now paid the price for it; and

WHEREAS, the Board stated that such a question of unfairness was a question that the Applicant must bring to the Department; that if the Applicant is presenting a variation before the Board, the Board has to hear what the Applicant's hardship is; that the Applicant's hardship is the most challenging standard with respect to this variation; that the Board did not know the Applicant's hardship; that that the Board suggested the Applicant explain its hardship to the Board; and

WHEREAS, Mr. Desmond then testified that he started planning the project with the assumption he would be able to have a catwalk as shown in the plan; that he has built other buildings that have included a catwalk; that currently, he is developing the property at 1084 Armitage with a catwalk; that plans for development at 1084 Armitage were permitted; that the subject property is a block away from 1084 Armitage and approximately the same size; that he assumed that he could develop the same building on the subject property; that now "the goal posts have been moved" and he is no longer allowed to have access to the deck of the garage; that buyers of these properties will use the deck of the garage as their backyard; and

WHEREAS, the Board reminded Mr. Desmond that access to a garage roof deck is still permissible; that said access must now be by stairs rather than a catwalk; and

WHEREAS, Mr. Desmond testified that a catwalk is more convenient for those residents that will live on the second floor of the proposed building; that without a catwalk, these residents would have to walk down to the ground level; that with a catwalk these residents could walk up eight (8) risers to get to the garage; that without a catwalk, these residents would have to walk down eight (8) risers and then up sixteen (16) risers to gain access to the garage; that when the Applicant sells the units in the proposed building, said units will sell for less money without a catwalk; that he estimates the entire building will sell for \$50,000 to \$100,000 less without a catwalk; that he paid \$620,000 for the land; that he paid this purchase price assuming that he could get a return due to sales prices with a catwalk; that he estimates the cost of construction on the subject property at \$720,000; that he estimates his soft costs at \$100,000 to \$115,000; that he estimates the total cost for the proposed building at \$1.5 million; that with the catwalk, he expects to sell the building for \$1.6 million; that his profit on the subject property would therefore be \$100,000; that if he sold the units in the building without the catwalk, he would be lucky to break even; and

WHEREAS, Mr. Kupiec stated that while he understood the question of hardship with respect to the lot, the Applicant has business hardship because of the abrupt change in the Department's policy; that for developers like the Applicant, who paid a price for land assuming a catwalk could be built and then finding the policy had been changed in the interim, there would be a hardship; and

WHEREAS, Mr. Desmond testified that buyers prefer a catwalk; that buyers assume they are getting a catwalk; that catwalks are common in the area; that this is not only his experience when dealing with buyers; that he has also consulted with realtors with regards to buyers wanting catwalks; and

WHEREAS, Mr. Kupiec again stated that the timeline of the Department's change in policy was a financial hardship to the Applicant; that developers who had pending projects when the Department changed its policy were unique; and

WHEREAS, the Board stated that this is a slippery slope; that if the Board accepted Mr. Kupiec's argument, the Board would have to approve other applicants based on this theory; that eventually, there would be applicants that did not have projects pending as the Department changed its policy; that these applicants would also have the same argument as the Applicant; namely, that if an applicant could not build a catwalk, the property would be worth less; that even though the Department's policy has changed, any applicant still has the ability to come before the Board and request a variation to build a catwalk; that therefore, the Applicant's argument is similar to everyone else who will come before the Board with regards to catwalks; that this argument will be: (1) everyone else has catwalks; and (2) there is a financial hardship; that therefore the question

becomes at what point the Board could cut off granting variations if the Board accepted the financial hardship argument; and

WHEREAS, Mr. Kupiec stated that it is becoming commonly known that the Department has changed its interpretation of this Zoning Ordinance; that there is a difference between the Applicant's case and future cases; that this difference is that the Applicant bought the subject property without knowledge of the Department's new interpretation; that now that word has gotten out of the Department's change, architects will be forewarned; and

WHEREAS, the Board reminded Mr. Kupiec that when one purchases property, one purchases it subject to this Zoning Ordinance; that there are no guarantees as to what can be built; and

WHEREAS, Mr. Kupiec conceded this was true; and

WHEREAS, the Board further reminded that one made a gamble when there was something not specifically spelled out under this Zoning Ordinance and was instead subject to interpretation by the Department; and

WHEREAS, Mr. Kupiec stated he understood; and

WHEREAS, the Board again inquired as to how financial hardship could be hardship as to this particular property under this Zoning Ordinance; and

WHEREAS, Mr. Kupiec stated that financial hardship is an actual hardship because the Applicant will lose money; that while the Department is certainly within its rights to change its interpretation of this Zoning Ordinance, it is not unreasonable for people in the real estate market to rely on the prior interpretation; that this reliance is what the Applicant is addressing; that most buildings built today are built with some sort of zoning relief, either in the nature of a variation or a zoning change; that developers try to evaluate the ability to obtain zoning relief on the basis of what has been approved; that while a developer does not assume any special relief, a developer is expecting to get the same treatment it received on its prior projects; that the Applicant's hardship is the timing of the Department's change in policy; that there was no formal notice as to the change; that for the Applicant and others like him, it is unfair; that now that the word is out of the Department's change, all architects and builders know and will be aware; that the Applicant would have purchased the subject property for less money had he known of the Department's new interpretation; that it would be a shame to punish developers like the Applicant who bought land in the interim; and

WHEREAS, the Board stated it did not believe the Board was punishing the Applicant; that the Board is merely looking at the request for variation; that the question with regards to where the Board were to stop if it accepted the financial hardship argument put forth by the Applicant still remained; and

WHEREAS, Mr. Kupiec stated he was speaking of the City generally with regards to punishment and not to the Board; that the Board is the only place the Applicant can come to correct idiosyncrasies of this Zoning Ordinance; that the Board has the power to grant the Applicant's request; that the Board does not have to grant others' requests with respect to catwalks; that there will be fewer requests with regards to catwalks; that for those developers that were in the middle of a project when the Department's policy suddenly changed, there is unfairness; that due to this unfairness, it is only fair that the Board recognizes the Applicant's hardship and grant the Applicant a variation; and

WHEREAS, Mr. Jim Vari then testified on behalf of the Applicant; that he is the project architect for the proposed development on the subject property; that the proposed catwalk will allow direct access to the roof deck over the garage from the first unit in the building, which is a duplex down unit; that although the Applicant has the required rear yard space at grade level, convenient access to the garage roof deck will more than double the proposed development's usable outdoor space in the rear yard; that this is a goal of this Zoning Ordinance in general; and

WHEREAS, the Board questioned as to how a catwalk doubled usable rear yard space unless people stood on the catwalk; and

WHEREAS, Mr. Vari testified that the catwalk allowed access to the rooftop garage deck; that without the catwalk, there would be no access to the roof of the garage; that consequently, there would not be usable space above the garage; and

WHEREAS, the Board inquired as to why Mr. Vari could not build a stairway up to the garage; that based on Mr. Valenziano's testimony, the Board believed this to be allowed; and

WHEREAS, Mr. Vari testified he did not believe this to be the case; that in his experience, the Department's new interpretation of this Zoning Ordinance applied not only to catwalks but also independent stairs; and

WHEREAS, Mr. Valenziano further testified that if it were in the rear setback, for an outside stair to go to the top of the garage, a variation would be required; that architects have been redesigning garages to include an interior stair that then leads to the roof of the garage; that therefore, an architect has three options: (1) go without a garage roof deck; (2) request relief in the form of a variation for an outside stair to access the garage roof deck; or (3) design around the rear setback issue by placing the stair inside the garage; and

WHEREAS, the Board thanked Mr. Valenziano for his clarification; that the Board then inquired of Mr. Vari if it were possible for the Applicant to request relief for a staircase that would just go up to the rooftop of the garage and still maintain usable outdoor space; and

WHEREAS, Mr. Vari testified that this was possible; and

WHEREAS, the Board stated such relief would be probably still be within the spirit of this Zoning Ordinance by keeping the rear yard open space between the proposed garage and the proposed building; and

WHEREAS, Mr. Vari testified that in his opinion the rear yard open space is more functional and more usable when there is a bridge crossing over it because one has full height under that bridge to use the whole backyard; that once a stair is in the backyard, the room taken up by the stair reduces the rear yard by that much; and

WHEREAS, the Board stated that the stair could be built on the side of a garage or in such a manner that said stair did not protrude into the rear yard; that a stair could be designed in that manner; and

WHEREAS, Mr. Vari further testified that in certain circumstances, an architect could do that; that with respect to the subject property, there is required three (3) car parking; that the lot is twenty-five (25) feet wide; that therefore, if the Applicant built an independent stair to access the garage roof, it would have to be parallel with the rear of garage; that consequently, the amount of rear yard open space would be reduced by the size of the stair; that in certain cases of single-family residences, one could put the stair on the side of the garage and not negatively impact the amount of rear yard open space; and

WHEREAS, Mr. Kupiec again stated that his argument with respect to the requested variation was not to set any precedent going forward; that he respected the Department's interpretation of this Zoning Ordinance; that nevertheless, he believed there was an issue as to fairness and therefore the Applicant deserved to be treated differently than future developers that buy property subject to notice of the Department's change in policy; that this is a legitimate hardship; that catwalks are not a bad thing as the rear yard open space is increased as there is no stair; that no neighbors of the subject property have complained; and

WHEREAS, Mr. Desmond further testified that the Alderman had no issues with the proposed development; and

WHEREAS, Mr. Kupiec offered the Alderman's letter of no objection into evidence; that he further stated that the Department had the right to change its interpretation of this Zoning Ordinance but that it was unfair to developers who were planning projects at the time of the change; that new ordinances instituted by the City, such as the new Affordable Requirements Ordinance, have a period for projects to be completed under the old ordinance; and

WHEREAS, Mr. Blakemore then testified in objection to the application; and

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

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

1. The Board finds that pursuant to 17-13-1107-A the Applicant has not proved its case by testimony and other evidence that a practical difficulty and particular hardship would be created should the rear yard setback be strictly complied with as any hardship suffered by the Applicant is self-created, and, further, the requested variation is not consistent with the stated purpose and intent of the Zoning Ordinance;

2. The Board finds that that the applicant did not establish by testimony or other evidence all of the criteria required pursuant to 17-13-1107-B. In particular, the Board finds that any lack of reasonable return suffered by the Applicant with regards to the subject property is self-created. The Applicant's managing member Mr. Desmond testified that he paid the purchase price for the subject property on the expectation that he would be permitted to erect a catwalk. His further testified he would be lucky to "break even" if the Applicant developed the subject property without said catwalk. Mr. Kupiec, the Applicant's attorney, stated that the Applicant would not have paid so much for the property. This testimony shows that the Applicant overpaid for the property as it was zoned. Any lack of reasonable return is therefore created by the Applicant and not caused by this Zoning Ordinance. Further, to the extent that the Applicant argued that its practical difficulties or particular hardships with respect to the subject property were due to a change in Department policy, such an argument reveals that such alleged practical difficulties or particular hardship were not limited to unique circumstances as the argument could apply to every property purchased in the City at any time; and

3. The Board, in making its determination pursuant to 17-13-1107-C that a practical difficulty or particular hardship does not exist, took into account that the Applicant presented no evidence as to how the particular physical surroundings, shape or topographical condition of the subject property would result in particular hardship to the Applicant. The Applicant testified as to financial hardship with respect to its request for a variation; however, this testimony regarding financial hardship was not tied to the particular physical surroundings, shape, or topographical condition of the subject property. Furthermore, to the extent that the Board recognizes the Applicant's financial hardship argument, such a financial hardship is self-created.

RESOLVED, the Board finds that the Applicant has not sufficiently established by testimony and other evidence covering the specific criteria for a variation to be granted pursuant to Sections 17-13-1107- A, B and C of this Zoning Ordinance.

RESOLVED, the aforesaid variation application is hereby denied.

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:** Devangna Kapadia and Alpesh Kapadia

**CAL NO.:** 7-15-Z

**APPEARANCE FOR:** Mark Kupiec

**MINUTES OF MEETING:**  
January 16, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 711 South Lytle Street

**NATURE OF REQUEST:** Application for a variation to reduce the north side setback from 8.18' to 0'; to reduce the rear setback from 23.5' to 0'; and, to reduce the front setback from 10' to 0' for the proposed conversion of an open, rear porch into enclosed living space, the construction of a two-story set of stairs in the north side yard and the establishment of a 6' concrete fence along the front property line as part of the proposed conversion of a two-story, two-unit building into a single-family residence.

**ACTION OF BOARD-**  
**VARIATION GRANTED**

**THE VOTE**

MAR 04 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		
		X
X		

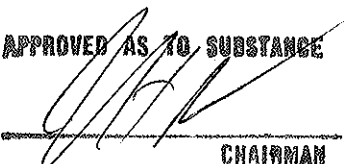
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on January 16, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 1, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the north side setback to 0'; to reduce the rear setback to 0'; and, to reduce the front setback to 0' for the proposed conversion of an open, rear porch into enclosed living space, the construction of a two-story set of stairs in the north side yard and the establishment of a 6' concrete fence along the front property line as part of the proposed conversion of a two-story, two-unit building into a single-family residence; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN



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

**APPLICANT:** Jorge Marban

**CAL NO.:** 8-15-Z

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
January 16, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 6310 West Grand Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval of the establishment of to establish a public place of amusement license for a proposed indoor soccer facility located within 125' of an RS-3 Residential Single-Unit (Detached House) District.

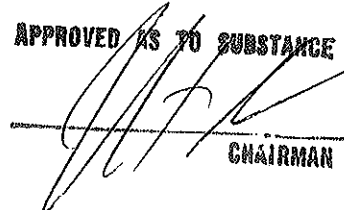
**ACTION OF BOARD-**  
CASE CONTINUED TO FEBRUARY 20, 2015

**THE VOTE**

MAR 04 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

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:** Lucas Mawutodji **CAL NO.:** 9-15-S  
**APPEARANCE FOR:** James Hardiman **MINUTES OF MEETING:**  
January 16, 2015  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 545 East 79th Street

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a hair braiding salon.

**ACTION OF BOARD-**  
APPLICATION APPROVED

**THE VOTE**

MAR 04 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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		X
X		

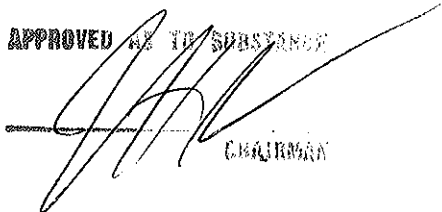
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on January 16, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 1, 2015; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s):The Department of Planning and Development recommends approval of the proposed hair braiding salon.

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

APPROVED AS TO SUBSTANCE  
  
 CHAIRMAN

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

**APPLICANT:** Maria R. Sanchez & Lilia Gonzalez **CAL NO.:** 10-15-S  
**APPEARANCE FOR:** Same **MINUTES OF MEETING:**  
 January 16, 2015  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 4056 North Lincoln Avenue

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a nail salon.

**ACTION OF BOARD-**  
**APPLICATION APPROVED**

**THE VOTE**

MAR 04 2015  
 CITY OF CHICAGO

JONATHAN SWAIN  
 CATHERINE BUDZINSKI  
 SOL FLORES  
 SHEILA O'GRADY  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
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X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on January 16, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 1, 2015; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The Department of Planning and Development recommends approval of the proposed nail salon.

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

APPROVED AS TO SUBSTANCE  
  
 CHAIRMAN

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

**APPLICANT:** Bang Salon 4, LLC

**CAL NO.:** 11-15-S

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
January 16, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 1630 North Milwaukee Avenue

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a hair salon.

**ACTION OF BOARD.**

CASE CONTINUED TO FEBRUARY 20, 2015

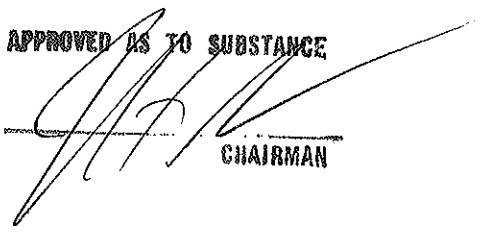
**THE VOTE**

MAR 04 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

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:** Stranded Beauty and Barber, LLC **CAL NO.:** 12-15-S  
**APPEARANCE FOR:** Thomas Moore **MINUTES OF MEETING:**  
 January 16, 2015  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 2517 N. Halsted Street

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a barber shop.

**ACTION OF BOARD.**  
 APPLICATION APPROVED

**THE VOTE**

MAR 04 2015  
 CITY OF CHICAGO

JONATHAN SWAIN  
 CATHERINE BUDZINSKI  
 SOL FLORES  
 SHEILA O'GRADY  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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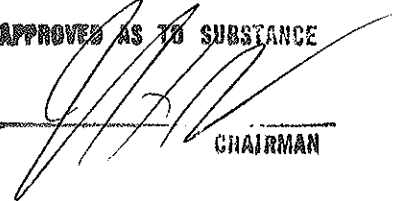
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on January 16, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 1, 2015; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The Department of Planning and Development recommends approval of the proposed barber shop.

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

APPROVED AS TO SUBSTANCE  
  
 CHAIRMAN

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

**APPLICANT:** First Unitarian Society of Chicago **CAL NO.:** 13-15-Z  
**APPEARANCE FOR:** Stacey Silver **MINUTES OF MEETING:**  
 January 16, 2015  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 5638-50 South Woodlawn Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from 50' to 0'; to reduce the north side setback from 5' to 0'; to reduce the south side setback from 5' to 0'; and, to reduce the combined side setback from 41.26' to 0' for the property at 5650 S. Woodlawn Avenue; and, to reduce the rear setback from 49.74' to 0'; to reduce the north side setback from 5' to 3.8'; to reduce the south side setback from 5' to 0'; and, to reduce the combined side setback from 13.37' to 3.8' for the property at 5638 S. Woodlawn Avenue to allow for the proposed sub-division of the one existing zoning lot at 5638-50 S. Woodlawn Avenue.

**ACTION OF BOARD-**  
**VARIATION GRANTED**

**THE VOTE**

MAR 04 2015

CITY OF CHICAGO

JONATHAN SWAIN  
 CATHERINE BUDZINSKI  
 SOL FLORES  
 SHEILA O'GRADY  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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X		
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X		

**THE RESOLUTION:**

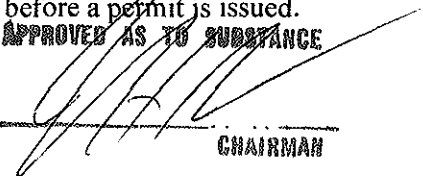
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on January 16, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 1, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 0'; to reduce the north side setback to 0'; to reduce the south side setback to 0'; and, to reduce the combined side setback to 0' for the property at 5650 S. Woodlawn Avenue; and, to reduce the rear setback from to 0'; to reduce the north side setback to 3.8'; to reduce the south side setback to 0'; and, to reduce the combined side setback to 3.8' for the property at 5638 S. Woodlawn Avenue to allow for the proposed sub-division of the one existing zoning lot at 5638-50 S. Woodlawn Avenue; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

  
 CHAIRMAN

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

**APPLICANT:** Ivan Dimov

**CAL NO.:** 14-15-Z

**APPEARANCE FOR:** Same

**MINUTES OF MEETING:**  
January 16, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1723 West Altgeld

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to exceed the existing floor area of 3,461 square feet by not more than 15%, to 3,892 square feet, for the proposed conversion of existing attic space into the upper floor of a duplex unit in an existing two-story, four-unit building.

**ACTION OF BOARD-**  
**VARIATION GRANTED**

**THE VOTE**

MAR 04 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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X		

**THE RESOLUTION:**

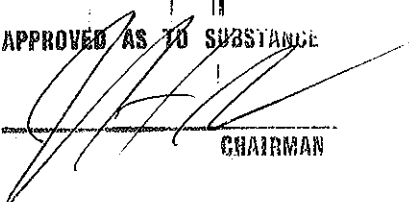
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on January 16, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 1, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to exceed the existing floor area of 3,461 square feet by not more than 15%, to 3,892 square feet, for the proposed conversion of existing attic space into the upper floor of a duplex unit in an existing two-story, two -unit building; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

  
CHAIRMAN

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

**APPLICANT:** S. Bar Sinister, LLC

**CAL NO.:** 15-15-S

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
January 16, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 1238-1300 North Kostner Avenue

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of to expand an existing Class IV-B recycling facility.

**ACTION OF BOARD:**  
CASE CONTINUED TO MARCH 20, 2015

**THE VOTE**

MAR 04 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		
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X		

APPROVED AS TO SUBSTANCE



CHAIRMAN



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

**APPLICANT:** CSW Career Academy- Culinary Arts High School **CAL NO.:** 16-15-S

**APPEARANCE FOR:** Meg George

**MINUTES OF MEETING:**  
January 16, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 180 North Wabash Avenue

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a culinary arts high school on the top floor of an existing eight-story building.

**ACTION OF BOARD-**  
APPLICATION APPROVED

**THE VOTE**

MAR 04 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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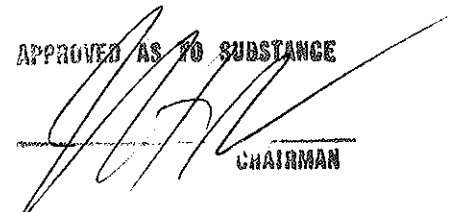
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on January 16, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 1, 2015; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The Department of Planning and Development recommends approval of the proposed culinary arts high school on the top floor of an existing eight-story building.

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

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

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

APPLICANT:

POGN, LLC

CAL NO.: 17-15-S

APPEARANCE FOR:

MINUTES OF MEETING:

January 16, 2015

APPEARANCE AGAINST:

PREMISES AFFECTED:

220 South Green Street

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a non-accessory parking garage for 24 spaces in a proposed 156-space parking garage at this location; the remaining 132 spaces will serve for the exclusive use of the 60 units to be located in this proposed 10-story building.

ACTION OF BOARD

CASE CONTINUED TO FEBRUARY 20, 2015

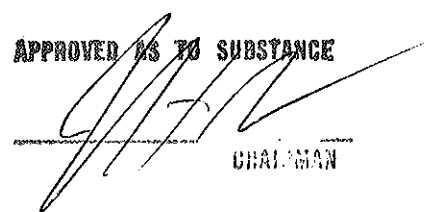
THE VOTE

MAR 04 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

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:** POGN, LLC

**CAL NO.:** 18-15-S

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
January 16, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 220 South Green Street

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval to reduce the rear setback from 30' to 15'; to reduce the rear setback off of the alley for a garage entrance from 2' to 0'; and, to eliminate the one required, off-street 10' x 14' x 25' loading berth for a proposed, 10-story, 60-unit building with a 156- space parking garage located on the first three floors.

**ACTION OF BOARD.**

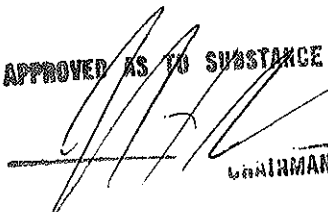
CASE CONTINUED TO FEBRUARY 20, 2015

**THE VOTE**

MAR 04 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
		X
X		

APPROVED AS TO SUBSTANCE  
  
JONATHAN SWAIN

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

**APPLICANT:** Cill Dara Construction, LLC

**CAL NO.:** 19-15-S

**APPEARANCE FOR:** Nick Ftikas

**MINUTES OF MEETING:**  
January 16, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1806 South Throop Street

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a residential use below the second floor for a proposed two-story, single-family residence with a rear, detached, two-car garage.

**ACTION OF BOARD-**  
APPLICATION APPROVED

**THE VOTE**

FEB 25 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
		X
X		

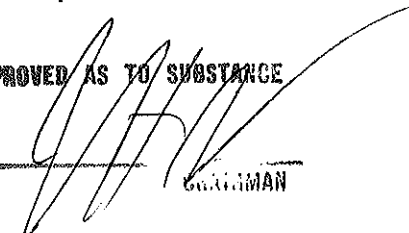
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on January 16, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 1, 2015; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The Department of Planning and Development recommends approval of the proposal to establish a residential use below the second floor for a proposed two-story, single-family residence with a rear, detached, two-car garage provided the development is established consistent with the design, layout, material and plans prepared by Hanna Architects and dated December 2, 2014.

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

APPROVED AS TO SUBSTANCE  
  
JONATHAN SWAIN

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

**APPLICANT:** Industrial Metal Enterprise, Inc.

**CAL NO.:** 20-15-S

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
January 16, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 4701-29 West Iowa Street

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a Class IV-A recycling facility.

**ACTION OF BOARD:**  
CASE CONTINUED TO APRIL 17, 2015

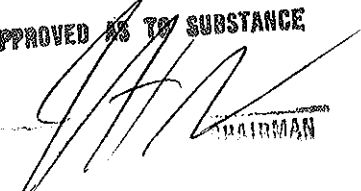
**THE VOTE**

MAR 04 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
		X
X		

**APPROVED AS TO SUBSTANCE**



JONATHAN SWAIN

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

**APPLICANT:** MD's We're Not Doctors, Inc./DBA Pizano's Pizza & Pasta I **CAL NO.:** 21-15-Z

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
January 16, 2015

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 864-866 North State Street

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to expand an existing non-confirming eating and drinking establishment.

**ACTION OF BOARD-**

CASE CONTINUED FEBRUARY 20, 2015

**THE VOTE**

MAR 04 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

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:** Keeper Property Holdings, LLC **CAL NO.:** 22-15-S  
**APPEARANCE FOR:** Sara Barnes **MINUTES OF MEETING:**  
 January 16, 2015  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 2706 North Ashland Avenue

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a residential use below the second floor for a proposed three-story, three-unit building with an open, three-story rear deck connected to a rear, three-car garage with a roof top deck.

**ACTION OF BOARD-**  
 APPLICATION APPROVED

**THE VOTE**

FEB 25 2015  
 CITY OF CHICAGO

JONATHAN SWAIN  
 CATHERINE BUDZINSKI  
 SOL FLORES  
 SHEILA O'GRADY  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
		X
X		

**THE RESOLUTION:**

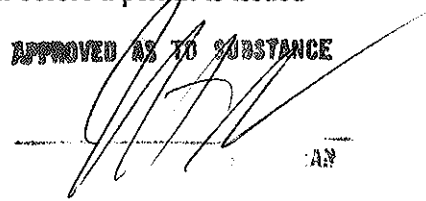
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on January 16, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 1, 2015; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The Department of Planning and Development recommends approval of the proposal to establish a residential use below the second floor for a proposed three-story, three-unit building with an open, three-story rear deck connected to a rear, three-car garage with a roof top deck provided the development is established consistent with the design, layout, material and plans prepared by Axios Architects and Consultants and dated August 1, 2014.

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

APPROVED AS TO SUBSTANCE



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

**APPLICANT:** Keeper Property Holdings, LLC **CAL NO.:** 23-15-Z  
**APPEARANCE FOR:** Sara Barnes **MINUTES OF MEETING:**  
 January 16, 2015  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 2706 North Ashland Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the minimum lot area to no less than 90% of required 3,000 square feet (2,795 square feet); to reduce the rear setback from 30' to 21.67'; and, to increase the area occupied by an accessory building in the required rear setback (468 square feet) by no more than 10% to 512 square feet for a proposed three-story, three-unit building with an open, three-story rear deck connected to a rear, three-car garage with a roof top deck.

**ACTION OF BOARD:**  
**VARIATION GRANTED**

**THE VOTE**

FEB 25 2015  
 CITY OF CHICAGO

JONATHAN SWAIN  
 CATHERINE BUDZINSKI  
 SOL FLORES  
 SHEILA O'GRADY  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
		X
X		

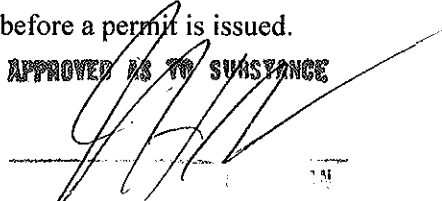
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on January 16, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 1, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following: a special use was granted to the subject site to establish residential use below the second floor in Cal. No. 22-15-S; the applicant shall now be permitted to reduce the minimum lot area to no less than 90% of required 3,000 square feet (2,795 square feet); to reduce the rear setback to 21.67'; and, to increase the area occupied by an accessory building in the required rear setback (468 square feet) by no more than 10% to 512 square feet for the proposed three-story, three-unit building with an open, three-story rear deck connected to a rear, three-car garage with a roof top deck; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE  




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

**APPLICANT:** Keeper Property Holdings, LLC **CAL NO.:** 24-15-Z  
**APPEARANCE FOR:** Sara Barnes **MINUTES OF MEETING:**  
 January 16, 2015  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 3046 North Ashland Avenue

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a residential use below the second floor for a proposed three-story, three-unit building with an open, three-story rear deck connected to a rear, three-car garage with a roof top deck.

**ACTION OF BOARD-**  
 APPLICATION APPROVED

**THE VOTE**

FEB 25 2015  
 CITY OF CHICAGO

JONATHAN SWAIN  
 CATHERINE BUDZINSKI  
 SOL FLORES  
 SHEILA O'GRADY  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
		X
X		

**THE RESOLUTION:**

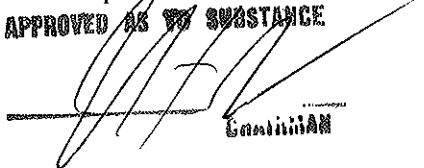
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on January 16, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 1, 2015; and

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

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the aforesaid variation request be and it hereby is granted subject to the following condition(s): The Department of Planning and Development recommends approval of the proposal to establish a residential use below the second floor for a proposed three-story, three-unit building with an open, three-story rear deck connected to a rear, three-car garage with a roof top deck provided the development is established consistent with the design, layout, material and plans prepared by Axios Architects and Consultants and dated August 1, 2014.

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

APPROVED AS TO SUBSTANCE

  
 Jonathan Swain

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

**APPLICANT:** Keeper Property Holdings, LLC **CAL NO.:** 25-15-Z  
**APPEARANCE FOR:** Sara Barnes **MINUTES OF MEETING:**  
 January 16, 2015  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 3046 North Ashland Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the minimum lot area to no less than 90% of required 3,000 square feet (2,795 square feet); to reduce the rear setback from 30' to 21.67'; and, to increase the area occupied by an accessory building in the required rear setback (486 square feet) by no more than 10% to 534 square feet for a proposed three-story, three-unit building with an open, three-story rear deck connected to a rear, three-car garage with a roof top deck.

**ACTION OF BOARD-  
 VARIATION GRANTED**

**THE VOTE**

FEB 25 2015  
 CITY OF CHICAGO

JONATHAN SWAIN  
 CATHERINE BUDZINSKI  
 SOL FLORES  
 SHEILA O'GRADY  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
		X
X		

**THE RESOLUTION:**

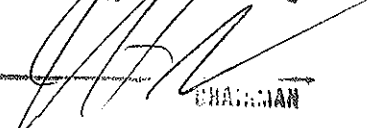
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on January 16, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 1, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; a special use was granted to the subject site in Cal. No. 24-15-S to permit the establishment of residential use below the second floor; the applicant shall now be permitted to reduce the minimum lot area to no less than 90% of required 3,000 square feet (2,795 square feet); to reduce the rear setback to 21.67'; and, to increase the area occupied by an accessory building in the required rear setback (486 square feet) by no more than 10% to 534 square feet for a proposed three-story, three-unit building with an open, three-story rear deck connected to a rear, three-car garage with a roof top deck; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

  
 CHAIRMAN

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

**APPLICANT:** Chicago Investments RE LLC. applicant-owner **CAL NO.:** 26-15-Z

**APPEARANCE FOR:** Warren Silver **MINUTES OF MEETING:**  
January 16, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2001 South State Street

**NATURE OF REQUEST:** Application for a variation to reduce the 22 parking spaces minimum by no more than 20% to 18 parking spaces for the proposed conversion of an existing two and four-story commercial building to accommodate 22 residential units with two, enclosed, parking spaces and retail space on the ground floor.

**ACTION OF BOARD:**  
VARIATION GRANTED

**THE VOTE**

MAR 04 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

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 January 16, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 1, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the 22 parking spaces minimum by no more than 20% to 18 parking spaces for the proposed conversion of an existing two and four-story commercial building to accommodate 22 residential units with two, enclosed, parking spaces and retail space on the ground floor; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

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

**APPLICANT:** Chicago Investments RE LLC applicant-owner **CAL NO.:** 27-15-S

**APPEARANCE FOR:** Warren Silver **MINUTES OF MEETING:**  
January 16, 2015

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2000 South Wabash Avenue

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of 16 parking spaces to serve the proposed conversion of an existing two and four-story commercial building to accommodate 22 residential units with two, enclosed parking spaces and retail space on the ground floor located at 2001 South State Street.

**ACTION OF BOARD-**  
APPLICATION APPROVED

**THE VOTE**

MAR 04 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
		X
X		

**THE RESOLUTION:**

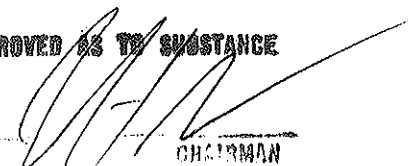
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on January 16, 2015, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on January 1, 2015; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish 16 parking spaces to serve the proposed conversion of an existing two and four-story commercial building to accommodate 22 residential units with two, enclosed parking spaces and retail space on the ground floor located at 2001 South State Street ;expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The Department of Planning and Development recommends approval of the proposal to establish 16 parking spaces to serve the proposed conversion of an existing two and four-story commercial building to accommodate 22 residential units with two, enclosed, parking spaces and retail space on the ground floor located at 2001 South State Street provided the development is established consistent with the design, layout and plans prepared by Red Architects and dated January 23, 2014 and subject to the easement agreement dated January 7, 2015 between Chicago Investment RE, LLC and State and Wabash Re, LLC

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

APPROVED AS TO SUBSTANCE

  
CHAIRMAN

**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

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



MAR 03 2015  
CITY OF CHICAGO

**Landtrust of Carol J. Hunniford**

APPLICANT

**375-12-Z**

CALENDAR NUMBER

**2938 W. Bryn Mawr Avenue**

PREMISES AFFECTED

**January 16, 2015**

HEARING DATE

**Sara Barnes**

APPEARANCE FOR APPLICANT

**Maria Elipas and Mark Duchon**

OBJECTORS

**NATURE OF REQUEST**

Application for a variation to reduce the required east side yard setback from 4' to 0' (west side yard setback at 3.77') and reduce the total combined side yard setback from 7' to 3.77' for a 7' x 100.27' linear feet solid wood fence.

**ACTION OF BOARD**

**THE VOTE**

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

Jonathan Swain, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Catherine Budzinski	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sol Flores	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sheila O'Grady	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

APPROVE

DENY

ABSENT

**THE RESOLUTION OF THE BOARD**

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on January 16, 2015, after due notice thereof as provided under Section 17-13-0107-B of this Chicago Zoning Ordinance ("Zoning Ordinance") and by publication in the *Chicago Sun-Times*; and

WHEREAS, the Board stated that this application has been remanded for a rehearing before a full Board; that as there was not a full Board physically present, unless the Board members that were physically present unanimously voted on the application, the Board would follow the decision of *Melrose Park National Bank v. Zoning Board of Appeals of the City of Chicago*, 79 Ill.App.3d 56 (1st Dist. 1979), and have the absent Board members read the transcript of this hearing and vote on the application at the Board's next meeting; and

APPROVED AS TO SUBSTANCE

CHAIRMAN

WHEREAS, Ms. Sara Barnes, counsel for the Applicant, explained the history of the affected property and the underlying basis for the relief sought; that the Applicant owns the subject property; that the subject property is improved with a two-story, single-family home; that Ms. Carol Hunniford has lived in said home with her family for over thirty (30) years; that her husband has recently passed away and she lives in the home with her adult child Eileen; that Eileen was diagnosed with Down syndrome at a very young age; that one of the common symptoms of Eileen's condition is that she gets easily distressed and anxious around strangers, especially when she feels she is being watched or mocked; that since Eileen's father passed away, Eileen had these symptoms most strongly when she occupied the backyard of the subject property; that as a result and upon the advice of Eileen's physician, three (3) years ago Ms. Hunniford hired a contractor to erect a solid wood fence around the rear yard; that Ms. Hunniford's sole intent in erecting this fence was to ensure the health and safety of her daughter when Eileen was occupying the backyard of the subject property; that the east side of said fence was erected without the proper permit; that completion of the fence was halted due to this issue; that in order to permit the fence, the Applicant seeks a variation to reduce the east side setback from the required 4' to 0', to reduce the total sideyard combination from 7' to 3.77', and to increase the height of the fence from the allowed 6' to 7'; and

WHEREAS, Ms. Hunniford testified on behalf of the Applicant; that she and her husband purchased the subject property in 1982; that in 1982, the subject property was improved with a two-story, single family home and had a large rear yard; that she and husband purchased the subject property with the intent to raise their children, John and Eileen, in said home; that she and her husband did raise their children in said home; that her husband passed away about four (4) years ago; that she continues to live in the home with her daughter Eileen; that she is Eileen's sole caretaker; that her son John also comes to stay at the subject property from time to time to help with Eileen; that John is a physician; that Eileen is currently thirty-eight (38) years old; that Eileen continues to live with her because she has developmental disabilities caused by Down syndrome; that Eileen requires special attention and care as a result of her condition; that she provides care to Eileen on a full-time basis so that Eileen does not have to go to an in-house facility or hospital; that due to Eileen's condition, she is more introverted and shy than other people her age; that she is also more sensitive to the expressions and actions of the people around her; that this is a common characteristic of people with Down syndrome; that with Eileen, this particular characteristic is severe and upsetting; that also due to Eileen's condition, Eileen's physical activities are limited; that it is very important for her to foster a safe and controlled environment for Eileen; that this is why she and her husband chose to purchase the subject property in 1982; that said property is located in a quiet neighborhood and has a large rear yard; that she felt the rear yard would be an ideal place for Eileen to play and socialize without outside influences that could disrupt Eileen's comfort and safety; and

WHEREAS, Ms. Hunniford further testified that when she purchased the home, the rear yard was not enclosed with fencing; that the neighbor next east to the subject property had shrubbery along west side of the neighboring lot; that this acted as a natural buffer between the subject property and the yard of the neighbor next east; that there was

no obstruction between the subject property and the neighbor next west when she purchased the property; that her husband erected a chain-link fence along the perimeter of the rear yard of the subject property; that shortly thereafter, the neighbor next west enclosed his property with a solid wood fence; that the east wall of said fence directly abuts her chain link fence; that the solid portion of the wood fence measures approximately 6' in height; that said fence is topped with another foot of decorative lattice; that this fence essentially secures the west side of her rear yard; that the neighbor next east also eventually erected a fence along his property line; that said fence is also a wood fence over 6' in height; that said fence has a lattice design and is erected well within her neighbor next east's required west sideyard setback; that Eileen was very close to her husband; that Eileen felt safe with her husband; that Eileen would only go outside and occupy the backyard if her husband was with her; that after her husband passed away, Eileen did not feel comfortable being in the backyard, even if she or her son were with Eileen; that even with two fences separating the rear yard from that of the neighbor next east, Eileen still felt uncomfortable; that Eileen completely stopped spending time outside; that this became very detrimental to her health and well-being; that it became clear to her that the existing fences and, particularly, the open lattice fence to the east of the subject property did not provide adequate privacy or protection for Eileen; that this is due to the inherent design and pattern of the lattice fence; that due to the open pattern of the lattice fence, people can gape and look through the fence; that the fence allows both people walking by and people in the neighbor's yard to stare at Eileen through the fence; that over the years, she has had problems with passersby and people occupying her neighbor's house peering over the fence or through the fence to stare at Eileen; that these people have made comments to or about Eileen when Eileen was in the rear yard; that this concerned her; and

WHEREAS, the Board asked if the house with the lattice fence was owner or renter occupied; and

WHEREAS, Ms. Barnes stated that she believed the Objectors were the owners to the house; that she also believed the owners occupied the house but also had tenants; that she would let the owners attest to this; and

WHEREAS, Ms. Hunniford then testified that she was concerned by the staring and comments and it extremely limited the amount of activity Eileen got as well as caused Eileen great distress; that she brought her concerns to Eileen's physician, and Eileen's physician suggested that she erect a taller, more opaque security fence along the open sides of her rear yard; that Eileen's physician felt a more opaque fence similar to the neighbors next west would prevent others from being able to look at Eileen; that Eileen's physician felt that one of the reasons Eileen stopped using the backyard was due to others looking at Eileen; and

WHEREAS, the Board asked Ms. Barnes to describe the fence along the west side of the subject property; and

WHEREAS, Ms. Barnes stated that said fence is 6' of solid wood; that the fence is actually 7' feet tall but the top foot of said fence is lattice rather than solid; and

WHEREAS in response to further questions by the Board, Ms. Barnes stated that she did not have a picture of the fence along the west side of the subject property; that said fence is solid wood for 6'; then the seventh foot of the fence is lattice; that the lattice portion of the fence is a crisscross pattern; that said fence has been sufficient for the west side of the property; that Ms. Barnes then submitted two letters from Eileen's physician into evidence; and

WHEREAS, Ms. Barnes then showed the Board a picture of the fence along the west side of the Applicant's property; and

WHEREAS, the Board caused the record to reflect that the Board looked at a picture on an iPhone of the fence on the west; that there is a black chain link fence; that behind said black chain link there appeared to be a solid wood fence with two feet of lattice and ivy at on the top; and

WHEREAS, Ms. Hunniford then testified that the all-lattice fence belonging to the neighbor next east of the subject property has actually fallen over into her yard on various occasions before she erected the solid wood fence; that the fence falling over caused further concern to Eileen's safety and well-being; that based in part on the recommendation of Eileen's physician, she looked for contractors to build a fence to further enclose her rear yard; that at the same time, she had hired a landscaper to work on beautifying the back yard to make it more enticing for Eileen; that said landscaper told her he could erect a fence along the east side and rear of her backyard; that said landscaper represented that he could build a fence using solid wood panels which would help eliminate the gaps that caused her privacy concerns; that said landscaper also told her that he could build a fence a little bit taller than the fence of the neighbor next east; that the neighbor next east has a raised rear porch that allows people occupying the porch to look over the 6' lattice fence as well as through said lattice fence; that based on this advice, she instructed the landscaper to build a solid 7' tall wood fence along her east property line as well as the rear property line; that this would conform to the pattern of development and location of her neighbors' existing fences; that in June of 2012, said landscaper began erecting a 7' tall, solid wood fence around her rear yard; that he was able to complete construction of the fence along the east property line of the subject property; that construction of said fence was done without proper permits; that the entire east wall of the fence was therefore completed without a permit; that she was never told and never knew that permits were required in order to build the fence; that she is before the Board today to seek the necessary variations to permit the existing solid wood fence; and

WHEREAS, Ms. Hunniford further testified that the Applicant is: (1) seeking to reduce the east side setback from the required 4' to 0'; (2) seeking to reduce the total sideyard combination from the required 7' to 3.77'; and (3) seeking to increase the height of the fence from the allowed 6' to 7'; that said fence was erected following the same



setback conditions that exist on her neighbors' property; that she did not create any new encroachments beyond those that already existed on the subject property except that the new fence is slightly higher than her neighbors' fences; that the new fence is slightly higher than her neighbor next east's fence because people are able to peer over the neighbor next east's fence which created an unsafe environment for Eileen; that most of the houses on the subject property's side of the street have security fences that enclose their rear yards with 0' side setbacks; that the neighbor next east of the subject property has a wood lattice fence that runs directly along the west lot line of said neighbor's property; that the neighbor next west of the subject property also has his fence located within the required setbacks; that the Applicant's request is compatible to the pattern of development in the immediate area surrounding the subject property; that said request should have minimal impact on her neighbors; that she invested \$8,000 to build the east portion of the fence; that she budgeted an additional \$8,000 to complete the fence; that since the east portion of the fence has been erected, Eileen has started to feel a little more comfortable occupying the rear yard and has increased her use of the rear yard; that Eileen's mood and physical wellbeing has substantially increased since the east portion of the fence has been built; that this is due to Eileen feeling more protected from the adverse attention she received from the east side of the subject property; that Eileen does not experience this type of attention from the rear or west of the subject property; that she intends to reside in her home with Eileen for a very long time; that she has met with the Alderman and that the Alderman understands Eileen's special needs; that the Alderman has no objection to the existing fence; that she had with her a letter regarding the Alderman's non-opposition to the existing fence; and

WHEREAS, Mr. Rick Vasquez testified on behalf of the Applicant; that his credentials as an expert in architecture were acknowledged by the Board; that he is familiar with the subject property; that said subject property is currently bordered to the east with a 7' tall solid wood fence; that to the west, the subject property is bordered with a 4.5' tall chain-link fence; that he was asked to provide the Applicant with plans for the existing 7' tall solid wood fence; that he was asked to provide such plans as to the best of his knowledge, the existing fence was built by an individual Ms. Hunniford hired to do some landscaping work; that this landscaper is no longer available to testify; that there is an existing 7' foot high fence at the east location of the property that abuts the Applicant's lot line; that to permit this fence, the Applicant is seeking a variation; that he has viewed other buildings and property in the area; that other properties in the area have fences in their side setbacks; that because the Applicant's fence was built following the same setback conditions as those of the neighboring properties, there will not be a significant change to the pattern of development in the area if the request for variation is granted; that the variation would not increase the danger of fire or endanger the public safety; that the variation would not substantially increase congestion in public streets in the area; that the variation will not substantially diminish or impair property values in the area; that the variation will not alter the essential character of the neighborhood; and

WHEREAS, Mr. Mark Duchon, of 1539 Wagner Road, testified in opposition to the application; that he was the brother-in-law of Ms. Maria Elipas; that Ms. Elipas resided at 2934 W. Bryn Mawr Avenue and was the neighbor next east of the subject property; that

he is not as comfortable as Ms. Barnes is to use a person's disability to prove something; that he believes the Applicant failed to get an initial permit for the fence and then tried to "get away with it"; that he has done work at Ms. Elipas' home as he is a contractor; that he is very familiar with the subject property; that he knows that Ms. Hunniford's husband passed away a few years back; that he and his sister-in-law are under the impression that Ms. Hunniford's son still lives at the subject property; that he and his sister-in-law do not understand the fence; that the Hunnifords have lived at the subject property for about twenty-eight (28) years and managed to get by with their chain-link fence until three (3) years ago; that he and his sister-in-law cannot quite understand how a 7' tall fence as opposed to a 6' tall fence is going to make any difference; that he has pictures of the fence of the neighbor to the west of the subject property and there is no lattice at the top of that fence; that his sister-in-law's fence is not over 6'; that the Applicant's fence is 7' tall; that there are safety issues regarding the Applicant's fence as there are nails protruding, in some cases more than an inch, on the east side of said fence; that he has never seen anyone gawking or staring or making any comments to the Hunnifords; that he still believes the Hunnifords put up the fence and thought they could get away with it and now are using any excuse they can to get the variation; and

WHEREAS, Ms. Maria Elipas, of 2934 W. Bryn Mawr Avenue, testified in opposition to the application; that at no time has she harassed or made fun of Eileen; that if privacy really were an issue, she believes the Hunnifords should have built the fence on the alley side of the subject property as the alley has cars and kids walking to school; that if someone were to harass Eileen, it would be through the alley not through an existing 6' fence; that she does not understand the Hunnifords' need to put a fence only on the east side of their property, when it abuts an existing 6' tall fence; that if privacy were an issue, the Hunnifords should have put the 7' tall fence on the alley side; that even a 6' tall person cannot see over a 6' tall fence; that she does not understand the justification for a 7' tall fence; and

WHEREAS, in response to questions by the Board, Ms. Elipas further testified that she had two (2) tenants at the property; that said tenants are very nice people in their fifties; that said tenants work all the time and are not home; that at no time have her tenants ever peered over the fence or stared at Eileen; that she has never seen Eileen in the backyard – even when Mr. Hunniford was alive; that while Mr. Hunniford took Eileen for walks, they did not spend time in the backyard; that at no time did anyone on her floor of the home or upstairs harass, make fun of, or gawk at Eileen; that her property is improved with a two-flat building and she has resided at the property since 1966; that she has continuously occupied the property since 1966; that with regards to her fence falling onto the Hunnifords' property, the fence is quite old and when there was a huge storm with high winds, the first two (2) panels of the fence blew over; that she and her upstairs tenant went out at 10:00 PM and pushed the fence back onto her property; that at no time did the whole fence fall on the Hunnifords' property; that only two (2) panels of the fence had fallen over due to high winds; and

WHEREAS, Ms. Barnes stated that in regards to the discrepancies between the photograph of the fence on the west line of the subject property that the Objectors

provided to the Board and the photograph the Applicant provided to the Board, it appears that the Objectors' photograph is older; that the Applicant's version of the photograph was taken just this week; that it appears that from the time the Objectors took their photograph, a lattice addition to the fence has been erected; that she never stated Ms. Elipias' fence was 7' tall; that from the photograph, one can tell that Ms. Elipias' fence is under 7' tall but is over 6' in height; and

WHEREAS, after examining the Applicant's photograph of the fence on the west of the subject property, both Mr. Duchon and Ms. Elipias stated that the fence shown in the picture is not the fence to the west of the subject property; and

WHEREAS, Ms. Elipias stated that her picture of the fence west of the subject property was taken last summer; that when she left her home that morning, she did not see a lattice fence to the west of the subject property; and

WHEREAS, the Board asked Ms. Barnes to lay the foundation for the Applicant's picture of the fence west of the subject property; and

WHEREAS, Mr. John Hunniford then testified that he is the son of Carol Hunniford and the brother of Eileen Hunniford; that he does not reside on a full-time basis at 2938 W. Bryn Mawr; that he does go to 2938 W. Bryn Mawr almost every day to see his mother and make sure his sister is okay; that he helps with Eileen's care; that he personally took the photograph on his iPhone that was shown to the Board; that said photograph depicts the fence of the subject property's next west neighbor; that said fence is along the west side of the subject property; that the photograph was definitely taken in 2014, that is to say within the last twelve (12) months; that he believed it was taken within the last one (1) to three (3) months; that he then looked on his iPhone and read out that the photograph had been taken October, 19, 2014 at 11:16 AM; and

WHEREAS, the Board then asked to see the photograph again; that the Board stated it believed the picture depicted on the iPhone was a slightly different picture than what had been shown to the Board earlier; and

WHEREAS, Mr. John Hunniford testified that it was the same fence; that the photograph shown to the Board is of the fence of neighbor next west of the subject property; that he then showed the Board the photograph of the same fence that the Board had previously seen; that the date of said photograph was taken was October 19, 2014 at 11:15 AM; and

WHEREAS, the Board asked to see the photograph; that the Board stated the photograph taken at October 19, 2014 at 11:15 AM was the same photograph the Applicant had previously shown to the Board; and

WHEREAS, Mr. John Hunniford then testified that his father was Eileen's protector; that Eileen always felt secure around their father; that Eileen is very introverted; that before their father died, their father and Eileen would go for half-an-hour walks every

day; that this was his sister's exercise; that after their father passed away, Eileen no longer did this; that he and his mother brought this up to Eileen's doctors and options were discussed; that his mother has a few health conditions, so he, his mother, and Eileen's doctors decided it might be better to have Eileen do something close to the house; that the doctors felt doing something close to the house would satisfy Eileen's exercise requirement as well as provide the safety their father could no longer provide; and

WHEREAS, in response to questions by the Board, Mr. John Hunniford further testified that prior to his father passing, the backyard was in use; that Eileen's primary form of exercise was taking walks with their father; that while their father was alive, Eileen would be in the backyard with the dog, their father, and their mother; that Eileen would use the backyard as she liked to dance and listen to music; that the backyard was used prior to their father passing away; that after their father passed away, the backyard was not used as Eileen felt insecure and introverted; that he thinks it's presumptive that people think he and his family are trying to get away with building a fence; that this request for a variation comes down to his sister's health and well-being; that he would be ashamed of himself if he came down to the Board to say that his flowers and certain things were more important than a girl's health; and

WHEREAS, Ms. Hunniford then testified that she has had problems in the past with people occupying yard of the neighbor next east to the subject property; that said people either looked through the fence or made comments to or about Eileen; that she has not experienced the same sort of attention from people occupying or walking through the alley; that therefore she has not had the same problems from people at the rear of the subject property that she has had from people to the east of the subject property; that she hired the landscaper to erect the fence believing that he knew what he was doing and would construct the fence as required by law; that she had no idea that permits were required in order to erect the fence; that she only found out permits were needed after the east wall of said fence had been completed and it was brought to her attention by an inspector; and

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

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

1. The Board finds that pursuant to 17-13-1107-A the Applicant have proved its case by testimony and other evidence that a practical difficulty and particular hardship exists regarding the proposed use of the property should the requirements of this Zoning

Ordinance be strictly complied with, and, further, the requested variations are consistent with the stated purpose and intent of this Zoning Ordinance;

2. The Board finds that pursuant to 17-13-1107-B that the Applicant has proved by testimony and other evidence that: (1) whether or not the property can yield a reasonable return is not material as the Applicant intends to continue to own and Ms. Hunniford and Eileen intend to continue to reside at the property; (2) the practical difficulty or particular hardship of the property is due to Eileen's severe introversion and need for regular exercise; and (3) the variation, if granted, will not alter the essential character of the neighborhood as there are already fences in the side setbacks of the adjoining properties; and

3. The Board, in making its determination pursuant to 17-13-1107-C that a practical difficulty or particular hardship exists, took into account that evidence was presented that: (1) Eileen's severe introversion and need for regular exercise results in particular hardship to the Applicant were the strict letter of this Zoning Ordinance carried out; (2) Eileen's severe introversion and need for regular exercise is not a condition generally applicable to a RS-3 Zoning District; (3) as the Applicant will continue to own and Ms. Hunniford and Eileen will continue to reside at the property, profit is not the sole motive for the application; (4) the Applicant did not create the hardship in question as the Applicant did not create Eileen's severe introversion or need for regular exercise; (5) the variation being granted will not be detrimental to the public welfare or injurious to other property; and (6) the variation will not impair an adequate supply of light or air to the neighboring properties due to the condition imposed by the Board, 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.

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

RESOLVED, the aforesaid variation application is hereby approved, and the Zoning Administrator is authorized to permit said variation subject to the following condition, pursuant to the authority granted by Section 17-13-1105 of the Chicago Zoning Ordinance:

1. The fence height shall be capped at seven feet (7'), and the top foot (1') of said fence must be not opaque so that light and air can pass through.

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

**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

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



MAR 04 2015

CITY OF CHICAGO

**4900 Kenmore, LLC**

APPLICANT

**385-14-S**

CALENDAR NUMBER

**4900 North Kenmore**

PREMISES AFFECTED

**January 16, 2015**

HEARING DATE

Nicholas J. Ftikas

APPEARANCE FOR APPLICANT

Guy Panko & George Blakemore

OBJECTORS

**NATURE OF REQUEST**

Application for a special use to establish a 24-space, non-required accessory parking lot to serve an existing skilled nursing facility located at 4920 N. Kenmore Avenue.

**ACTION OF BOARD**

**THE VOTE**

The application for the special use is approved.

Jonathan Swain, Chair
Catherine Budzinski
Sol Flores
Sheila O'Grady
Sam Toia

APPROVE

DENY

ABSENT

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**THE RESOLUTION OF THE BOARD**

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on January 16, 2015, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance ("Zoning Ordinance") and by publication in the *Chicago Sun-Times*; and

WHEREAS, Mr. Nicholas J. Ftikas, counsel for the Applicant, explained the underlying basis for the relief sought; that the Applicant owns the subject property; that the subject property is currently vacant and unimproved; that the Applicant also owns the property at 4920 North Kenmore, which is immediately adjacent to the subject property; that the Applicant operates a 310 bed nursing home at 4920 North Kenmore; that 4920 North Kenmore meets its onsite parking requirements for the use; that nevertheless, the Applicant would like to establish an off-site parking lot for its employees and staff on the subject property; that to clarify, this is non-required accessory parking; that the

APPROVED AS TO SUBSTANCE

CHAIRMAN

Applicant's facility at 4920 North Kenmore is legally established, currently operating, and meets its parking requirements; and

WHEREAS, Mr. Moshe Davis testified on behalf of the Applicant; that he is the Applicant's operations manager; that the Applicant owns both the subject property and the property immediately adjacent at 4920 North Kenmore; that the property at 4920 North Kenmore is a nursing home facility and has been a nursing home facility since at least the 1970s; that the Applicant would like to establish non-required, accessory parking for the nursing home facility on the subject property; that the subject property contains 15,000 square feet of total lot area and is unimproved; the Applicant intends to establish a parking lot with twenty-four (24) parking spaces on the subject property; that the proposed parking lot will incorporate the required landscaping, fencing, and lighting; that cars will access the proposed parking lot via the alley that runs immediately behind the subject property; that the parking spaces will be used as overflow parking for staff and employees working at the Applicant's nursing facility; that said nursing facility is run by over 150 employees who work three (3) shifts every twenty-four (24) hours; that by giving said employees a dedicated parking space on the subject property, the on-site parking at 4920 N. Kenmore will be opened up to guests visiting the nursing facility; that the Applicant will not run a public or pay parking lot on the subject property; that the proposed parking lot will be exclusively used by the nursing facility employees and potentially guests or visitors to the nursing facility; that the Applicant has worked extensively with Alderman Osterman with regards to the proposed parking lot; that at the request of the Alderman, the Applicant is committed to placing signage at the exit drive of the proposed parking lot directing the traffic that exits the parking lot to go left into the alley to Ainslie Street; that this signage is to keep northbound traffic out of the alley as Ainslie Street is the street immediately adjacent to the subject property; that also at the request of the Alderman, the Applicant has agreed to install security cameras on the subject property; that this is to keep users of the parking lot as well as the neighborhood safe; and

WHEREAS, Mr. Kareem Musawwir testified on behalf of the Applicant; that his credentials as an expert in land planning were acknowledged by the Board; that he has physically inspected the subject property and its surrounding area; that his findings are contained in his report on the subject property; his report was submitted and accepted by the Board; that his report fully addresses all of the criteria identified in this Zoning Ordinance which must be addressed in support of such an application; that he then testified that the proposed special use: (1) complies with all applicable standards of this Zoning Ordinance; (2) is in the interest of public convenience as street parking is at a premium and as the special use will take street parking generated by the use at 4920 North Kenmore off the street; (3) will not have an adverse impact as the area is zoned RT-4 and is primarily improved with older, multi-tenant residential buildings that do not have on-site parking; (4) is compatible with the surrounding area in terms of site planning, building scale and project design; (5) is compatible with the character of the surrounding area in terms of operating characteristics, such as outdoor lighting and noise and traffic generation; and (6) is designed to promote pedestrian safety and comfort; and

WHEREAS, Mr. Guy Panko, of 4923 North Winthrop, testified in opposition to the application; that he does not have any issue with the Applicant providing additional parking; that he is concerned with the ingress and egress to the alley; that he attended a meeting with the Applicant, the Alderman, and other concerned residents; that everyone at the meeting agreed that there was a problem with having additional access to the alley; that at the end of the meeting, the Applicant agreed to redesign the plans for the parking lot so that access to the parking lot would be off of Kenmore Avenue; that everyone agreed to this plan; that if there were additional concerns, the Applicant stated it would represent the plans back to the residents; that this did not happen; that only after he received the postcard from the Board did he and his fellow residents realize that that the Applicant was proceeding with the original plans; that this is the design he and his fellow residents disagreed upon; that he is upset; that the alley needed its own stoplight; that on the alley at Argyle is an Asian market; that most people in the alley cannot exit at Argyle due to the parking lot of the Asian market; that the Applicant's parking lot at 4920 N. Kenmore has alley access and this is where all of the Applicant's food deliveries and maintenance trucks enter; that if the Applicant has new alley access at the subject property, both ends of the alley will be congested; that a traffic sign will not help manage the area; that this spring, Argyle is going to have street parking removed due to Argyle's pending streetscape; that this will cause further congestion; that he and other residents have raised their concerns with alley congestion; that the Alderman has decided to conduct a traffic study of the alley; that there is no traffic study regarding ingress and egress to the proposed parking lot on the subject property; and

WHEREAS, Mr. Panko then showed the Board a video of the alley; that this video was not entered into evidence; and

WHEREAS, the Board asked who took the video; and

WHEREAS, Mr. Panko further testified that he took the video in early November; that the residents are already stuck with tons of traffic congestion on the alley due to the Asian Market; that it does not matter if people are told to only go one way on the alley; that again, he and other residents do not have an issue with the parking lot, just the entrance of the parking lot; and

WHEREAS, Mr. George Blakemore also testified in objection to the application; that he is concerned if the nursing facility had non-profit or religious status; that there is no way to enforce the proposed signage; that this is a matter of safety as alleys are beginning to be thoroughfares; and

WHEREAS, in response to concerns raised by the Objectors, Mr. Ftikis stated that the manner of access to the proposed parking lot is outside of the Applicant's control; that he referred the Board to Section 17-3-0402-A of this Zoning Ordinance; that Section 17-3-0402-A governs establishing parking lots in residential districts; that Section 17-3-0402-A states that if an alley is available, the alley must be used for ingress and egress to the proposed parking lot; that when the Applicant submitted its plans to the City's Department of Transportation ("CDOT") for review, he presumed CDOT approved the



plan based on Section 17-3-0402-A; that he also presumes the Department of Planning and Development followed suit; that the Applicant would have loved to access its parking from the street, but the code requires that if an alley is available, the alley must be used; that from an operational standpoint, as the proposed parking lot will be utilized mostly by staff and employees, the management team of the Applicant will direct its staff and employees to turn left out of the parking lot; that this is not an open parking lot; that although Section 17-3-0402-A has exceptions, the Applicant does not fit under and of those exceptions; and

WHEREAS, the staff of the Department of Planning and Development recommended approval of the proposed special use, provided the development was established consistent with the design, layout and plans prepared by SAS Architects and Planners and dated September 9, 2014, for the site plan, and October 15, 2014, for the landscape plan; now, therefore,

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

1. The proposed special use complies with all applicable standards of this Zoning Ordinance;
2. The proposed special use is in the interest of the public convenience as it will allow an existing neighborhood facility to have dedicated parking for its employees and staff and will have no adverse impact on the surrounding neighborhood as it will lessen street parking congestion;
3. The proposed special use is compatible with the character of the surrounding area in terms of site planning and building scale and project design because the Applicant's nursing facility is directly adjacent to the subject property;
4. The proposed special use is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation because the surrounding area is primarily improved with older, multi-tenant residential buildings that do not have on-site parking, thus making street parking a premium. The proposed special use will lessen street parking congestion as the Applicant's employees will no longer park on the street. The Board finds that Mr. Musawwir's expert testimony is highly credible as to this issue and outweighs any speculation as to alley congestion on the part of Mr. Panko; and
5. The proposed special use is designed to promote pedestrian safety and comfort as the proposed special use will be accessed from the alley as required by Section 17-2-0402-A of this Zoning Ordinance.

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

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

**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

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



MAR 04 2015  
CITY OF CHICAGO

**Landtrust of Carol J. Hunniford**

APPLICANT

**393-14-Z**

CALENDAR NUMBER

**2938 W. Bryn Mawr Avenue**

PREMISES AFFECTED

**January 16, 2015**

HEARING DATE

Sara Barnes

APPEARANCE FOR APPLICANT

**NO OBJECTORS**

**NATURE OF REQUEST**

Application for a variation to reduce the required rear yard setback from 35' to 0' for a 7' tall solid wooden fence.

**ACTION OF BOARD**

**THE VOTE**

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

Jonathan Swain, Chair  
Catherine Budzinski  
Sol Flores  
Sheila O'Grady  
Sam Toia

APPROVE	DENY	ABSENT
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**THE RESOLUTION OF THE BOARD**

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on January 16, 2015, after due notice thereof as provided under Section 17-13-0107-B of this Chicago Zoning Ordinance ("Zoning Ordinance") and by publication in the *Chicago Sun-Times*; and

WHEREAS, the Board adopted the record of the proceedings of the remanded 375-12-Z, also heard on January 16, 2015; that said record related to all issues, conditions, and information as it related to the Applicant's perceived hardship; that the Board then asked Ms. Sara Barnes, counsel for the Applicant, to specifically speak to the issue of rear yard setback reduction for the proposed fence; and

WHEREAS, Ms. Sara Barnes, counsel for the Applicant, explained the underlying basis for the relief sought; that this is a companion case to the remanded 375-12-Z; that since 375-12-Z was first heard by the Board in 2013 and the resulting administrative

APPROVED AS TO SUBSTANCE

CHAIRMAN

appeal of said 375-12-Z, the Applicant submitted plans to permit the completion of the existing wood fence along the rear of the subject property; that in order to permit the erection of the rear fence, the Applicant is seeking a variation to reduce the rear yard setback from the required 35' to 0'; and

WHEREAS, Ms. Hunniford testified on behalf of the Applicant; that when she previously came before the Board in 2013 with regard to the improperly permitted fence on the east side of the subject property, she was advised she could seek the relief necessary to permit the remainder of the rear wall of the fence; that she then hired an architect to help her permit the completion of said fence; that this is what brings her before the Board today; that the reason for the fence and the hardship she is facing is to provide a safe and healthy environment for her medically challenged daughter to be outdoors; that the fence was a recommendation made by Eileen's physician and was supported by the local Alderman; and

WHEREAS, the Board stated that in the 375-12-Z there was a conversation that the rear of the property was not a big issue because the people off of the alley did not cause any issues; that the Board then asked if it were now the Applicant's position that there are people off the alley causing issues; and

WHEREAS, Ms. Barnes stated that the Hunnifords had not had the same sorts of problems with people in the alley because people do not hang out in the alley; that people drive or walk through the alley but do not occupy it; that the problem for the Hunnifords was always the people occupying the yard of the neighbor next east to the subject property; that the yard of the neighbor next east is where the harassment was coming from; that nevertheless, it was always the intent of Ms. Hunniford to enclose the entire rear yard – not just the east side; that the Applicant did not complete the fencing along the rear of the property due to fear of reprimand from the building inspectors; and

WHEREAS, Ms. Hunniford testified that Ms. Barnes statement was correct; and

WHEREAS, Ms. Barnes then asked that all of the Applicant's previous exhibits be incorporated into the present hearing; and

WHEREAS, the Board agreed to Ms. Barnes request; and

WHEREAS, Mr. Rick Vasquez then testified on behalf of the Applicant; that his credentials as an expert in architecture were acknowledged by the Board; that as part of his program of development for the subject property, he prepared plans to permit the erection of a 7' security fence along the rear of the subject property that would match the fence along the east of the subject property; that in order to permit said fence, the Applicant is requesting a variation of the rear yard setback; that the variation will not be detrimental to the public welfare or injurious to other properties or improvements in the area; that the variation will not impair an adequate supply of light and air to the adjacent property; that the granting of this variation will not increase danger of fire or endanger the public safety; that the variation will not substantially increase congestion in the public

streets; that the variation will not substantially diminish or impair property values in the area; that the variation will not alter the essential character of the locality; that the variation will be compatible with the other improvements in the area; and

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

1. The Board finds that pursuant to 17-13-1107-A the Applicant has proved its case by testimony and other evidence that a practical difficulty and particular hardship exists regarding the proposed use of the property should the requirements of this Zoning Ordinance be strictly complied with, and, further, the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance;
2. The Board finds that pursuant to 17-13-1107-B that the Applicant has proved by testimony and other evidence that: (1) whether or not the property can yield a reasonable return is not material as the Applicant intends to continue to own and Ms. Hunniford and Eileen intend to continue to reside at the property; (2) the practical difficulty or particular hardship of the property is due to Eileen's severe introversion and need for regular exercise; and (3) the variation, if granted, will not alter the essential character of the neighborhood as there are already fences in the side setbacks of the adjoining properties; and
3. The Board, in making its determination pursuant to 17-13-1107-C that a practical difficulty or particular hardship exists, took into account that evidence was presented that: (1) Eileen's severe introversion and need for regular exercise results in particular hardship to the Applicant were the strict letter of this Zoning Ordinance carried out; (2) Eileen's severe introversion and need for regular exercise is not a condition generally applicable to RS-3 Zoning District; (3) as the Applicant will continue to own and Ms. Hunniford and Eileen will continue to reside at the property, profit is not the sole motive for the application; (4) the Applicant did not create the hardship in question as the Applicant did not create Eileen's severe introversion or need for regular exercise; (5) the variation being granted will not be detrimental to the public welfare or injurious to other property; and (6) the variation will not impair an adequate supply of light or air to the neighboring properties due to the condition imposed by the Board, 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.

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

RESOLVED, the aforesaid variation application is hereby approved, and the Zoning Administrator is authorized to permit said variation subject to the following condition, pursuant to the authority granted by Section 17-13-1105 of the Chicago Zoning Ordinance:

1. The fence height shall be capped at seven feet (7'), and the top foot (1') of said fence must be not opaque so that light and air can pass through.

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