

ZBA  
RESOLUTIONS  
JUNE 15, 2018

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

**MINUTES OF MEETING**

**Date: July 20, 2018**

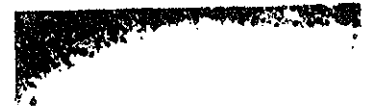
**Cal. No. 350-17-S**

Mariah DiGrino, Attorney for the Applicant, presented a written request for an extension of time in which to establish a one-lane drive-through to serve a proposed one-story fast food restaurant at the subject property located at 2401-21 N. Damen Avenue. The special use was approved on June 16, 2017, in Cal. No. 350-17-S.

Ms. DiGrino stated that her client is currently in the process of finalizing the assemblage/acquisition of the property from the City of Chicago and would not be able to submit a building permit application prior to the expiration date.

Sam Toia moved the request be granted and the time for obtaining the necessary permit be extended to July 24, 2019.

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



**JUL 23 2018**

**CITY OF CHICAGO  
ZONING BOARD OF APPEALS**

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**

MINUTES OF MEETING

Date: July 20, 2018

Cal. No. 351-17-S

Mariah DiGrino, Attorney for the Applicant, presented a written request for an extension of time in which to establish a dual lane drive-through to serve a proposed one-story fast food restaurant at the subject property located at 1900-16 W. Fullerton Avenue. The special use was approved on June 16, 2017, in Cal. No. 351-17-S.

Ms. DiGrino stated that her client is currently in the process of finalizing the assemblage/acquisition of the property from the City of Chicago and would not be able to submit a building permit application prior to the expiration date.

Sam Toia moved the request be granted and the time for obtaining the necessary permit be extended to July 24, 2019.

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

JUL 23 2018

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

APPROVED AS TO  
  
CHAIRMAN

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

APPLICANT: Venancio Escuita Jr.

CAL NO.: 257-18-Z

APPEARANCE FOR: Rolando Acosta

MINUTES OF MEETING:  
June 15, 2018

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2218 W. Cullerton Street

NATURE OF REQUEST: Application for a variation to reduce the west setback from 2' to 0.3' (east to be 3.25') for a proposed rear three-story addition, a third floor addition and a rear open porch for the existing two-story, front building to be deconverted from three units to two units.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

JUL 23 2018

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held June 15, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 1, 2018; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the west setback to 0.3' (east to be 3.25') for a proposed rear three-story addition, a third floor addition and a rear open porch for the existing two-story, front building to be deconverted from three units to two units; 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

**APPLICANT:** Tran H. Tran  
**APPEARANCE FOR:** Same as Applicant  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 2849 W. Armitage Avenue

**CAL NO.:** 258-18-S

**MINUTES OF MEETING:**  
 June 15, 2018

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

**ACTION OF BOARD-  
 APPLICATION APPROVED**

**THE VOTE**



**JUL 23 2018**

**CITY OF CHICAGO  
 ZONING BOARD OF APPEALS**

BLAKE SERCYE  
 SHAINA DOAR  
 SOL FLORES  
 SAM TOIA  
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
		X
X		
X		

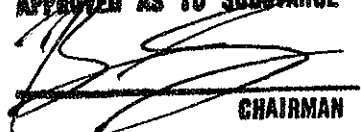
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 15, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 1, 2018; and

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

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

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

**APPROVED AS TO SUBSTANCE**  
  
**CHAIRMAN**

**APPLICANT:** Patrick Sebring

**CAL NO.:** 259-18-Z

**APPEARANCE FOR:** Nicholas Ftikas

**MINUTES OF MEETING:**  
June 15, 2018

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1803 W. Wabansia Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 22.4' to 0.5' for a proposed garage with a roof top deck, open stairs that shall also contain the relocated rear yard open space to serve the existing single family residence.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

**JUL 23 2018**  
CITY OF CHICAGO  
**ZONING BOARD OF APPEALS**

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
		X
X		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held June 15, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 1, 2018; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 0.5' for a proposed garage with a roof top deck, open stairs that shall also contain the relocated rear yard open space to serve the existing single family residence; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

**APPROVED AS TO SUBSTANCE**  
  
**CHAIRMAN**

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

**APPLICANT:** Fernando Tello d/b/aThe Penny Barber Shop, LLC

**CAL NO.:** 260-18-S

**APPEARANCE FOR:** Same as Applicant

**MINUTES OF MEETING:**  
June 15, 2018

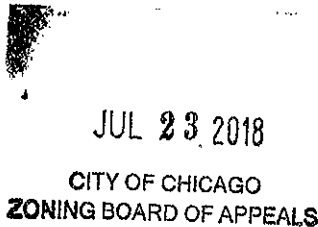
**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3919 W. North Avenue

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

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

  
JUL 23 2018  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
		X
X		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 15, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 1, 2018; and

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

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

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

**APPROVED AS TO SUBSTANCE**  
  
**CHAIRMAN**

APPLICANT: 2813 W. Belmont, LLC

CAL NO.: 261-18-S

APPEARANCE FOR: Paul Kolpak

MINUTES OF MEETING:  
June 15, 2018

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2823-33 W. Belmont Avenue

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

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

**JUL 23, 2018**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
		X
X		
X		

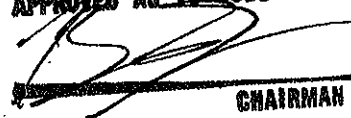
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 15, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 1, 2018; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated February 16, 2017, including the site plan dated May 23, 2018, all prepared by Baranyk Associates, Ltd.

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

**APPROVED AS TO SUBSTANCE**  
  
**CHAIRMAN**



**APPLICANT:** CHI Partners, LLC Grand Series

**CAL NO.:** 262-18-S

**APPEARANCE FOR:** Paul Kolpak

**MINUTES OF MEETING:**

**APPEARANCE AGAINST:** None

June 15, 2018

**PREMISES AFFECTED:** 2344 W. Grand Avenue

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

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

**JUL 23 2018**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
		X
X		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 15, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-times on June 1, 2018; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated June 15, 2018, prepared by Peter Sterniuk Architect.

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:** McDonald's USA, LLC

**CAL NO.:** 263-18-S

**APPEARANCE FOR:** Brandon Calvert

**MINUTES OF MEETING:**  
June 15, 2018

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1454 W. 47<sup>th</sup> Street

**NATURE OF REQUEST:** Application for a special use to establish a dual lane drive-through to serve an existing fast food restaurant.

**ACTION OF BOARD-**  
**Continued to August 17, 2018 at 9:00 a.m.**

**THE VOTE**

**JUL 23, 2018**  
**CITY OF CHICAGO**  
**ZONING BOARD OF APPEALS**

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
		X
X		
X		

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

APPLICANT: McDonald's USA, LLC

CAL NO.: 264-18-Z

APPEARANCE FOR: Brandon Calvert

MINUTES OF MEETING:  
June 15, 2018

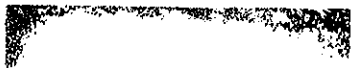
APPEARANCE AGAINST: None

PREMISES AFFECTED: 1454 W. 47<sup>th</sup> Street

NATURE OF REQUEST: Application for a variation to increase the 4,000 square feet maximum gross floor area of a commercial establishment by not more than 10% (58 square feet) for a proposed one story addition to an existing fast food restaurant.

**ACTION OF BOARD-**

Continued to August 17, 2018 at 9:00 a.m.



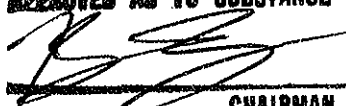
JUL 23, 2018

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

**THE VOTE**

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
		X
X		
X		

**APPROVED AS TO SUBSTANCE**  
  
**CHAIRMAN**

**APPLICANT:** Victoria Nguyen **CAL NO.:** 265-18-S  
**APPEARANCE FOR:** Same as Applicant **MINUTES OF MEETING:**  
 June 15, 2018  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 2719 W. Lawrence Avenue

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

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

**THE VOTE**

**JUL 23 2018**  
 CITY OF CHICAGO  
**ZONING BOARD OF APPEALS**

BLAKE SERCYE  
 SHAINA DOAR  
 SOL FLORES  
 SAM TOIA  
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
X		

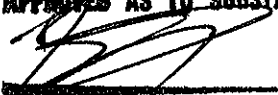
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 15, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 1, 2018; and

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

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

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

**APPROVED AS TO SUBSTANCE**  
  
**CHAIRMAN**

APPLICANT: Fonia Oil, Inc.

CAL NO.: 266-18-S

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:  
June 15, 2018

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2748-50 W. Madison Street

NATURE OF REQUEST: Application for a special use to establish a new gas station use at an existing one-story, retail building with the installation of three new gas pumps.

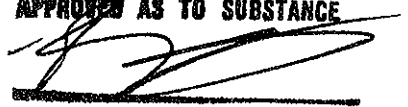
ACTION OF BOARD-  
APPLICATION WITHDRAWN WITHOUT PREJUDICE

THE VOTE

JUL 23 2018  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
X		

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

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

APPLICANT: Fonia Oil, Inc.

CAL NO.: 267-18-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:  
June 15, 2018

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2748-50 W. Madison Street

NATURE OF REQUEST: Application for a variation to reduce the required minimum lot area for a gas station to 13,664 square feet for a proposed new gas station.

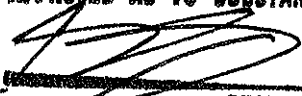
**ACTION OF BOARD-**  
**APPLICATION WITHDRAWN WITHOUT PREJUDICE**

**THE VOTE**

JUL 23 2018  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
X		

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

**APPLICANT:** Albert Zaucha **CAL NO.:** 268-18-Z  
**APPEARANCE FOR:** Louis Weinstock **MINUTES OF MEETING:**  
**APPEARANCE AGAINST:** None June 15, 2018  
**PREMISES AFFECTED:** 2200 N. Mango Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the north setback from the required 2' to 0.49' (south to be 2.7'), combined side setback from 5' to 3.19' for a proposed rear one-story addition for the existing three-story building to be converted from two dwelling units to three dwelling units.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

  
 JUL 23, 2018  
 CITY OF CHICAGO  
**ZONING BOARD OF APPEALS**

BLAKE SERCYE  
 SHAINA DOAR  
 SOL FLORES  
 SAM TOIA  
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held June 15, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 1, 2018; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the north setback to 0.49' (south to be 2.7'), combined side setback to 3.19' for a proposed rear one-story addition for the existing three-story building to be converted from two dwelling units to three dwelling units; 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**

**APPLICANT:** New Market Inc. **CAL NO.:** 269-18-S  
**APPEARANCE FOR:** Mark Kupiec **MINUTES OF MEETING:**  
 June 15, 2018  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 2110 S. Jefferson Street/601 W. 21<sup>st</sup> Street

**NATURE OF REQUEST:** Application for a special use to establish an eighty-two required parking space parking lot to serve an existing one and five story retail, office and warehouse building located at 2105 W. Jefferson Street.

**ACTION OF BOARD-  
 APPLICATION APPROVED**

**THE VOTE**

**JUL 23, 2018**  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

BLAKE SERCYE  
 SHAINA DOAR  
 SOL FLORES  
 SAM TOIA  
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held June 15, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 1, 2018; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish an eighty-two required parking space parking lot to serve an existing one and five story retail, office and warehouse building located at 2105 W. Jefferson Street; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the special use is issued solely to the applicant, New Market, Inc., and the development is consistent with the design and layout of the landscape plan dated May 29, 2018, prepared by Andrew Wang Architect.

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: Renaissance Bronzeville, LLC CAL NO.: 270-18-S  
APPEARANCE FOR: Thomas Moore MINUTES OF MEETING: June 15, 2018  
APPEARANCE AGAINST: None  
PREMISES AFFECTED: 4641 S. Dr. Martin Luther King Jr. Drive

NATURE OF REQUEST: Application for a special use to establish an outdoor patio at the rear of an existing tavern.

ACTION OF BOARD- APPLICATION APPROVED

THE VOTE

JUL 23 2018  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held June 15, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 1, 2018; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the special use is issued solely to the applicant, Renaissance Bronzeville, LLC, and the development is consistent with the design and layout of the plans and drawings dated April 20, 2017, prepared by Kasi Design, P.C.

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



**RECEIVED**

SEP 24 2018

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

**George Gonzalez**  
APPLICANT

**271-18-Z**  
CALENDAR NUMBER

**2116 W. Shakespeare/2117 W. Webster**  
PREMISES AFFECTED

**June 15, 2018**  
HEARING DATE

**ACTION OF BOARD**

The Board denied the application as written. The Board then: (1) approved the request to reduce the front setback from (Webster Avenue) from 20' to .5', the west side setback from 2' to and 1' (east to be 3'), and combined side setback from 4.8' to 4'; and (2) denied the request to reduce the required midway of unobstructed 21.04' separation between buildings from 76.3' to 48.33'.

**THE VOTE (FRONT & SIDE SETBACKS)**

	AFFIRMATIVE	NEGATIVE	ABSENT
Blake Sercye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Shaina Doar	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sol Flores	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Amanda Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**THE VOTE (MIDWAY SETBACK)**

	AFFIRMATIVE	NEGATIVE	ABSENT
Blake Sercye	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Shaina Doar	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sol Flores	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sam Toia	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Amanda Williams	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**FINDINGS OF THE ZONING BOARD OF APPEALS  
IN THE MATTER OF THE VARIATION APPLICATION FOR 2116 W.  
SHAKESPEARE AVENUE/2117 W. WEBSTER AVENUE BY GEORGE  
GONZALEZ**

**I. BACKGROUND**

George Gonzalez (the "Applicant") submitted a variation application for 2116 W. Shakespeare Avenue/2117 W. Webster Avenue (the "subject property"). The subject property is a through-lot, meaning it has frontage on both Shakespeare Avenue and Webster Avenue. The subject property is currently zoned RS-3 and is improved with a single-family residence fronting Shakespeare Avenue and a detached rear garage fronting Webster Avenue. The Applicant proposed to raze both the existing residence and garage and erect a new single-family residence fronting Shakespeare Avenue and a new detached rear garage fronting Webster Avenue. To permit this new construction, the Applicant sought a variation to reduce: (1) reduce the front setback (Webster Avenue) from 20' to 0.5', the west setback from 2' to 1' (east to be 3'), and the combined side

**APPROVED AS TO SUBSTANCE**

*[Signature]*  
**CHAIRMAN**

setback from 4.8' to 4'; and (2) reduce the required midway of unobstructed 21.04' separation between buildings from 76.3' to 48.33'.

## II. PUBLIC HEARING

### A. The Hearing

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's variation application at its regular meeting held on June 15, 2018, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Sun-Times*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure, the Applicant had submitted his proposed Findings of Fact. The Applicant Mr. George Gonzalez and his attorney Mr. Jim Griffin were present. The Applicant's architect Mr. Scott Fortman was also present. Testifying in opposition to the application were Ms. Marsha Parlow, of 2115 W. Webster, Mr. James Benjamin, of 2114 W. Shakespeare Avenue, and Ms. Meghan Benjamin, also of 2114 W. Shakespeare Avenue. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

The Applicant's attorney Mr. Jim Griffin explained to the ZONING BOARD OF APPEALS that the subject property was a 24' x 152' through lot. He then explained the Applicant's proposed plan of development for the subject property.

The Applicant Mr. George Gonzalez testified in support of the application. He testified that he owned the subject property and that he and his family resided in the existing single-family residence. He testified that he wished to build a larger house for his family as his three children were growing older.

The Applicant's architect Mr. Scott Fortman testified in support of the application. He testified that he was a licensed architect in the State of Illinois. He testified that the proposed single-family residence would be a fairly modest sized home, with three bedrooms at or above grade and one bedroom in the basement. He testified that the proposed single-family residence would not maximize the floor area ratio ("FAR") of the lot as the proposed single-family residence would only be 2600 square feet and the Applicant could have chosen to erect a 3300 square foot residence. He testified that the size of the proposed single-family residence was consistent with other residences in the neighborhood and the request for the variation was due to the strange lot size of the subject property. He testified that the 2600 square feet included the basement of the proposed single-family residence. He testified that proposed single-family residence was designed close to the maximum height limitation of the subject property and thus there was not enough room to add another story. He testified that the proposed single-family residence's length was due to the need to accommodate three bedrooms on the second floor. He testified that the length of the proposed single-family residence were to be reduced, a bedroom would either be lost or would have to be made substantially smaller. He testified that the proposed bedrooms are not very large rooms, being only about 11' x 12'. He testified that two of the children would be sharing one of the three bedrooms. He testified that trying to shorten the length of the proposed single-family residence

would create miniature rooms. He testified that the proposed single-family residence with detached garage was consistent with the character of the surrounding neighborhood and that there are many single-family residences in the surrounding area.

Ms. Marsha Parlow, of 2115 W. Webster Avenue, testified in objection to the application. She testified that she was concerned the proposed single-family residence would block the ventilation to her property. She further testified as to her concerns with respect to the first floor terrace.

In response to Ms. Parlow's testimony, Mr. Fortram further testified that there is a fence between the subject property and Ms. Parlow's property. He testified that this fence is on the property line but that he was unsure as to who owned the fence. He testified that the proposed single-family residence's first floor terrace would be seven feet above the subject property's yard. He testified that in this particular neighborhood, the yards – including the yard of the subject property – were 2'3" lower than the street. He testified that the first floor proposed single-family residence was therefore 5'4" above street level and that when one stepped out onto the proposed first floor terrace, one would step down 6". He testified that this proposed first floor terrace would therefore be 7' above the subject property's yard. He testified that he did not believe said first floor terrace would affect Ms. Parlow's light, air or ventilation.

In response to Ms. Parlow's testimony, Mr. Gonzalez further testified that Ms. Parlow's property would still have lots of ventilation even with the proposed single-family residence.

Mr. James Benjamin, of 2114 W. Shakespeare Ave., testified in opposition to the application. He testified that he was a licensed architect in the State of Illinois. He then submitted and the ZONING BOARD OF APPEALS accepted into the record a sun study he had done showing: (1) how the proposed residence would affect the light to his property; and (2) how a proposed home built without the requested reduction to the required midway of unobstructed 21.04' separation between buildings from 76.3' to 48.33' would affect the light to his property. He testified as to the reasons for Section 17-2-0309-C(1) of the Chicago Zoning Ordinance, namely that it would not deprive homes of light and air, as on through lots some houses fronted one street and some houses fronted the other street. He testified that, in particular, his own home was once the stables attached to Ms. Parlow's property. He testified that his property measured 24' x 75' and that his backyard is approximately 12' deep. He testified that distance between his house and Ms. Parlow's house is approximately 17'. He testified that the only light and air he currently had came from the west. He testified that to cut this light by anything more than the Chicago Zoning Ordinance currently allowed for would be to deprive him of light and air. He then called the ZONING BOARD OF APPEALS' attention to the sun study.

The ZONING BOARD OF APPEALS noted that the sun study showed that by 6:00 PM, the Applicant's proposed single-family residence would block all light to Mr. Benjamin's property. It then reminded the Applicant of Section 17-13-1107-C(6) of the

Chicago Zoning Ordinance required that the proposed variation not impair an adequate supply of light and air to adjacent property.

In response to the ZONING BOARD OF APPEALS' comments, Mr. Griffin stated that he believed the loss of light and air was due to the existing buildings in the area, as all of the lots were through lots. He stated that it would be unfair to the Applicant to state that the reduction to light and air was due to the Applicant's proposed residence. He stated that the neighborhood was intensely developed and that – even after the proposed residence was built – the Applicant would have the least developed lot.

The ZONING BOARD OF APPEALS stated that it recognized the hardship of a through lot but, however, there was still the matter of Section 17-1107-C(6). It stated that the sun study clearly showed that the Applicant's proposed residence would impair light and air to Mr. Benjamin's property.

In response to the ZONING BOARD OF APPEALS statements, Mr. Fortram testified that according to the sun study, Mr. Parlow's home was already shading three-quarters of Mr. Benjamin's home at 6:00 PM. He testified that Mr. Benjamin had the shadiest yard because of the height of the surrounding buildings and that was the nature of the neighborhood.

The ZONING BOARD OF APPEALS stated that the question it would have to answer when it deliberated was whether the Applicant's proposed single-family residence created an inadequate supply of light and air to Mr. Benjamin's property.

Mr. Benjamin testified that that Ms. Parlow's home does cast a shadow onto his yard, as shown by the sun study, but that he still receives direct sunlight into the house at that time. He testified that the block is not a solid block of homes but instead there is a lot of open space due to the zigzagging of buildings. He testified that many of these buildings do encroach on setbacks because the majority of them date from the 1890s. He testified that not one of these 1890s homes encroach into the midyard setback. He testified that it is only garages of these homes that encroach into the midyard setback and that is due to the fact there is no alley. He testified that based on this he did not believe there was precedence in the neighborhood for the Applicant's proposed single-family residence. He testified that he did not believe not being able to build on the middle 21' of a 152' deep lot was a hardship. He testified that the majority of the lot depths in Bucktown were 100' or 125'. He testified that the character of the neighborhood is one of not large premises.

Ms. Meghan Benjamin, also of 2114 W. Shakespeare, testified in opposition to the application. She testified as to a series of pictures she had previously submitted to the ZONING BOARD OF APPEALS showing her home. She testified that she and Mr. Benjamin had purchased the home due to the Chicago Zoning Ordinance. She testified that she was not against the Applicant having a bigger house but that she was against the current site plan as it would impair the light and air to her home.

In response to the opposition to the application, Mr. Gonzalez further testified that there were trees in both his backyard and the Benjamins' backyard that were not depicted on the sun study. He testified that these trees were also impacting sunlight. He testified that he had been planning to build a bigger residence for his family for the past seven years and that he had designed a beautiful house for his family. He testified that he was sorry the Benjamins' sunlight as going to be blocked. He then asked if the Chicago Zoning Ordinance stated he could not block in his neighbors or rather, as he believed, that he could not build two large buildings a through lot without 25' to separate the two.

Mr. Griffin then stated that he believed that Section 17-2-0309-C(1) had been misinterpreted by the Department of Planning and Development's bureau of zoning.

The ZONING BOARD OF APPEALS stated that it found the sun study very helpful as it showed how the proposed variation would affect the Benjamins' home. It then stated it was continuing the case so that the Applicant, Ms. Parlow and the Benjamins could perhaps attempt to work out a compromise.

Sometime later, Mr. Griffin returned to the ZONING BOARD OF APPEALS and stated that a compromise had not been possible.

#### B. Criteria for a Variation

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

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

Pursuant to Section 17-13-1107-C of the Chicago Zoning Ordinance, in making its determination of whether practical difficulties or particular hardships exist, the ZONING BOARD OF APPEALS must take into consideration the extent to which evidence has been submitted substantiating the following facts: (1) the particular physical surroundings, shape or topographical condition of the specific property involved would result in a particular hardship upon the property owner as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out; (2) the conditions upon which the petition for a variation is based would not be applicable, generally, to other property within the same zoning classification; (3) the purpose of the variation is

not based exclusively upon a desire to make more money out of the property; (4) the alleged practical difficulty or particular hardship has not been created by any person presently having an interest in the property; (5) the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and (6) the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

### III. FINDINGS OF FACT.

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

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

Due to the through lot, strict compliance with the regulations and standards of the Chicago Zoning Ordinance with respect to the front setback fronting Webster would create practical difficulties or particular hardships for the subject property. Similarly, the fact the subject property is only 24' wide (as opposed to the standard 25' wide) creates practical difficulties or particular hardships for the subject property with respect to the west and combined side setbacks.

However, because the Applicant did not submit to the ZONING BOARD OF APPEALS sufficient evidence that all standards of 17-13-1107-C of the Chicago Zoning Ordinance were met, there is no practical difficulty or particular hardship for the subject property with respect to complying with the required midway of unobstructed separation between buildings.

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

The request to reduce the front (Webster Avenue), west and combined side setbacks: (1) maintains orderly and compatible land use and development patterns pursuant to Section 17-1-0508 of the Chicago Zoning Ordinance; (2) protects the character of established residential neighborhoods pursuant to Section 17-1-0503 of the Chicago Zoning Ordinance; and (4) maintains a range of housing choices and options pursuant to Section 17-1-0512 of the Chicago Zoning Ordinance.

However, the request to reduce the required midway of unobstructed separation between buildings is not consistent with the stated purpose and intent of the

Chicago Zoning Ordinance because it neither: (1) maintains orderly and compatible land use and developments patterns pursuant to Section 17-1-0508 of the Chicago Zoning Ordinance; nor (2) protects the character of established residential neighborhoods pursuant to Section 17-1-0503 of the Chicago Zoning Ordinance

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

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

As the Applicant will continue to own and he and his family will continue to reside at the subject property, reasonable return in this instance is in terms of livability or lifestyle. Without the requested variation, the Applicant would not be able to build a single-family residence that fits the needs of his growing family.

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

As noted above, due to the through lot and the slightly substandard lot width, the practical difficulties with respect to the front (Webster Avenue), west and combined side setbacks are due to unique circumstances and are not generally applicable to other residential property.

However, because the Applicant did not submit to the to the ZONING BOARD OF APPEALS sufficient evidence that all standards of 17-13-1107-C of the Chicago Zoning Ordinance were met, there is no practical difficulty or particular hardship for the subject property with respect to complying with the required midway of unobstructed separation between buildings.

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

With the exception of the request to reduce the required midway of unobstructed separation between buildings, the variation will not alter the essential character of the neighborhood. The Applicant currently has a reduced front setback on Webster Avenue because the Applicant currently has a detached garage that fronts Webster. The reduction to the west and combined side setbacks similarly will not alter the essential character of the neighborhood because, as Mr. Benjamin very credibly testified, there are many buildings in the neighborhood that do not conform to current setbacks.



The request to reduce the required midway of unobstructed separation between buildings, on the other hand, will definitely alter the essential character of the neighborhood. The ZONING BOARD OF APPEALS finds Mr. Benjamin's testimony and sun study to be very credible and agrees with his assessment that allowing the Applicant to reduce the required midway of unobstructed separation between buildings on the subject property would impair an adequate supply of light to the Benjamins' home. This impairment would alter the essential character of the neighborhood as currently the Benjamins' home receives adequate light. Further, as shown by Mr. Benjamin's sun study, if the Applicant built a new single-family residence that complied with the required midway of unobstructed separation between buildings on the subject property, the Benjamins' home would still receive adequate light.

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

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

The fact that the subject property is a through lot and has slightly substandard lot width results in a particular hardship upon the Applicant as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.

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

The fact that the subject property is a through lot and has a slightly substandard lot width is not a condition that is applicable, generally, to other property within the RS3 zoning classification.

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

As very credibly testified to by the Applicant, the Applicant wishes to build a more livable home for his growing family. Therefore, the purpose of the variation is not based exclusively upon a desire to make more money out of the property.

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

The Applicant created neither the condition of the through lot nor the slightly substandard width of the subject property.

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

The granting of the variation to reduce the front (Webster Avenue), west and combined side setbacks will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located. As noted above, the Applicant currently has a reduced front (Webster Avenue) setback as the Applicant currently has a detached garage facing Webster Avenue. Further, and as also noted above, as Mr. Benjamin very credibly testified, there are many buildings in the neighborhood that do not conform to current setbacks.

However, as shown by Mr. Benjamin's testimony and sun study, the request to reduce the required midway of unobstructed separation between buildings will block light to the Benjamins' home. This request is therefore injurious to other property and improvements in the neighborhood.

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

As noted above, the request to reduce the front (Webster Avenue) setback will allow the Applicant to erect a new detached rear garage. As a detached rear garage already exists on the subject property, such setback reduction will not impair an adequate supply of light and air to adjacent properties. The request will not increase congestion in the public streets because it will allow the Applicant to continue parking his vehicles on the subject property. It will not endanger the public safety or substantially diminish or impair property values in the neighborhood. Similarly, the request to reduce the west and combined side setbacks will not impair an adequate supply of light and air to adjacent properties or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

However, as shown by Mr. Benjamin's testimony and sun study the request to reduce the required midway of unobstructed separation between buildings will impair an adequate supply of light and air to the Benjamins' home.

#### IV. CONCLUSION

For all of these reasons, the ZONING BOARD OF APPEALS finds that the Applicant has proved its case by evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, covering the specific criteria for a variation pursuant to Sections 17-13-1107-A, B and C of the Chicago Zoning Ordinance with respect to the Applicant's request to reduce the front (Webster Avenue), west and combined side setbacks.

For all of the above reasons, the ZONING BOARD OF APPEALS finds that the Applicant has not proved its case by evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, covering the specific criteria for a variation pursuant to Sections 17-13-1107-A, B and C of the Chicago Zoning Ordinance with respect to the Applicant's request to reduce the required midway of unobstructed separation between buildings.

The ZONING BOARD OF APPEALS hereby approves the Applicant's application for a variation with respect to the Applicant's request to reduce the front (Webster Avenue), west and combined side setbacks, and the Zoning Administrator is authorized to permit said variation.

The ZONING BOARD OF APPEALS hereby denies the Applicant's application for a variation with respect to the Applicant's request to reduce the required midway of unobstructed separation between buildings.

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:** Amartuvshin Erdene d/b/a 9 Stars, LLC

**CAL NO.:** 272-18-S

**APPEARANCE FOR:** Same as Applicant

**MINUTES OF MEETING:**  
June 15, 2018

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1748 W. Balmoral Avenue, 1<sup>st</sup> Floor

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

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

**JUL 23 2018**  
**CITY OF CHICAGO**  
**ZONING BOARD OF APPEALS**

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
X		

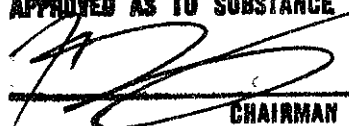
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 15, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 1, 2018; and

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

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

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:** Vesna Zuric

**CAL NO.:** 273-18-Z

**APPEARANCE FOR:** Thomas Moore

**MINUTES OF MEETING:**  
June 15, 2018

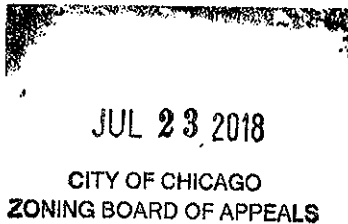
**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1067 W. Balmoral Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 30' to 2.75', east setback from 3.2' to zero for a proposed chimney exceeding 15' in height and a rear open porch/ bridge to access a proposed garage roof deck which shall also contain the relocated 168 square feet of rear yard open space on the existing two-car garage.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**



BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
		X
X		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 15, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 1, 2018; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 2.75', east setback to zero for a proposed chimney exceeding 15' in height and a rear open porch/ bridge to access a proposed garage roof deck which shall also contain the relocated 168 square feet of rear yard open space on the existing two-car garage; George Blakemore of Chicago, IL testified in opposition; 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:** 4701 N. Albany, LLC

**CAL NO.:** 274-18-Z

**APPEARANCE FOR:** Thomas Moore

**MINUTES OF MEETING:**  
June 15, 2018

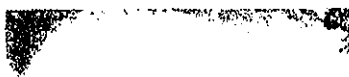
**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 4701-07 N. Albany Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the parking requirement from three stalls to zero in order to convert an existing three-story nineteen dwelling unit building to a twenty-two dwelling unit building.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**



**JUL 23 2018**

**CITY OF CHICAGO  
ZONING BOARD OF APPEALS**

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
		X
X		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held June 15, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 1, 2018; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the parking requirement from three stalls to zero in order to convert an existing three-story nineteen dwelling unit building to a twenty-two dwelling unit building; George Blakemore of Chicago, IL testified in opposition; 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**

**APPLICANT:** Dolyva Properties, LLC

**CAL NO.:** 275-18-Z

**APPEARANCE FOR:** Nicholas Ftikas

**MINUTES OF MEETING:**  
June 15, 2018

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3108 S. Giles Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the south setback from the required 2' to zero for a proposed four-car garage to serve an existing four-story, eight dwelling unit building.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

**JUL 23 2018**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
		X
X		

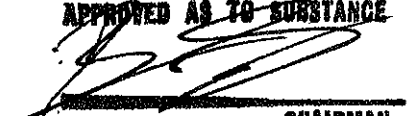
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 15, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-  
nes on June 1, 2018; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the south setback from the required 2' to zero for a proposed four-car garage to serve an existing four-story, eight dwelling unit building; George Blakemore of Chicago, IL testified in opposition; 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:** Ken Liss

**CAL NO.:** 276-18-Z

**APPEARANCE FOR:** Thomas Moore

**MINUTES OF MEETING:**  
June 15, 2018

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1934 N. Wood Street

**NATURE OF REQUEST:** Application for a variation to reduce the north setback from the required 3.36' to 0.17', south setback from 3.36' to zero, combined side setback from 8.4' to 0.17', rear setback from 34.82' to zero for a proposed garage roof top deck with pergola, trellis walls and solid stone wall, new one-story open stair to access the roof deck and an as-built rear masonry fence that exceeds 6' in height.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**



**JUL 23, 2018**

**CITY OF CHICAGO  
ZONING BOARD OF APPEALS**

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
		X
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 15, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 1, 2018; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the north setback to 0.17'. south setback to zero, combined side setback to 0.17', rear setback to zero for a proposed garage roof top deck with pergola, trellis walls and solid stone wall, new one-story open stair to access the roof deck and an as-built rear masonry fence that exceeds 6' in height; 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:** Wentworth 50, LLC

**CAL NO.:** 277-18-Z

**APPEARANCE FOR:** Mark Kupiec

**MINUTES OF MEETING:**  
June 15, 2018


**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1203 W. Superior Street

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 30' to 1.17' for a proposed three-story, nine dwelling unit building with roof decks and roof top penthouse stair enclosures, front open balconies, walk out patios and nine-car garage with roof deck.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

  
**JUL 23 2018**  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

BLAKE SERCYE  
 SHAINA DOAR  
 SOL FLORES  
 SAM TOIA  
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
X		

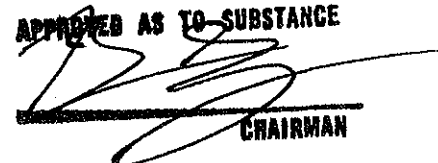
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 15, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 1, 2018; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 1.17' for a proposed three-story, nine dwelling unit building with roof decks and roof top penthouse stair enclosures, front open balconies, walk out patios and nine-car garage with roof deck; George Blakemore of Chicago, Il testified in opposition; 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: 544-46 W. Wellington, LLC

CAL NO.: 278-18-Z

APPEARANCE FOR: Paul Kolpak

MINUTES OF MEETING:  
June 15, 2018

APPEARANCE AGAINST: None

PREMISES AFFECTED: 544 W. Wellington Avenue

NATURE OF REQUEST: Application for a variation to eliminate one required parking space for a three-story, seven dwelling unit building to be converted to an eight dwelling unit building.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

**JUL 23 2018**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 15, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-times on June 1, 2018; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to eliminate one required parking space for a three-story, seven dwelling unit building to be converted to an eight dwelling unit building; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

~~APPROVED AS TO SUBSTANCE~~  
  
CHAIRMAN

**APPLICANT:** The Joinery, LLC

**CAL NO.:** 279-18-Z

**APPEARANCE FOR:** Anne Junia

**MINUTES OF MEETING:**  
June 15, 2018

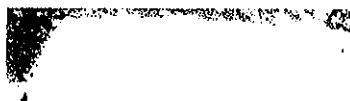
**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2533-37 W. Homer Street

**NATURE OF REQUEST:** Application for a variation to establish a public place of amusement license for a medium event space (banquet hall) within an existing rental gallery / artist workspace which is located within 125' of a residential zoning district.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**



**JUL 23 2018**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
		X

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held June 15, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 1, 2018; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a public place of amusement license for a medium event space (banquet hall) within an existing rental gallery / artist workspace which is located within 125' of a residential zoning district; an additional variation was granted to the subject property in Cal. No. 280-18-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

**APPROVED AS TO SUBSTANCE**  
  
**CHAIRMAN**

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

**APPLICANT:** The Joinery, LLC

**CAL NO.:** 280-18-Z

**APPEARANCE FOR:** Anne Junia

**MINUTES OF MEETING:**  
June 15, 2018

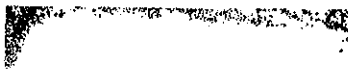
**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2533-37 W. Homer Street

**NATURE OF REQUEST:** Application for a variation to establish a transit served location to allow the reduction of on-site required parking in excess of 50% of the required parking spaces. The building property line measures 1,123 feet from the existing CTA rail station.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**



JUL 23 2018  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
		X


**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 15, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 1, 2018; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following: the applicant shall be permitted to establish a transit served location to allow the reduction of on-site required parking in excess of 50% of the required parking spaces. The building property line measures 1,123 feet from the existing CTA rail station; an additional variation was granted to the subject property in Cal. No. 279-18-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

**APPROVED AS TO SUBSTANCE**  
  
**CHAIRMAN**

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

**APPLICANT:** Artis Senior Living of Lakeview, LLC

**CAL NO.:** 281-18-Z

**APPEARANCE FOR:** James Griffin

**MINUTES OF MEETING:**  
June 15, 2018

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3535 N. Ashland Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 16' to zero for a proposed 8' high fence for an existing five-story, assisted living facility.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

  
**JUL 23 2018**  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
		X

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held June 15, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 1, 2018; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback from the required 16' to zero for a proposed 8' high fence for an existing five-story, assisted living facility; 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**

**APPLICANT:** The Medici Gallery and Coffee House, Inc.

**CAL NO.:** 282-18-S

**APPEARANCE FOR:** Rich Toth

**MINUTES OF MEETING:**  
June 15, 2018

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1357 E. 57<sup>th</sup> Street

**NATURE OF REQUEST:** Application for a special use to establish an outdoor second floor roof top patio accessory to an existing restaurant.

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**



**JUL 23 2018**

**CITY OF CHICAGO  
ZONING BOARD OF APPEALS**

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
RECUSED		
X		

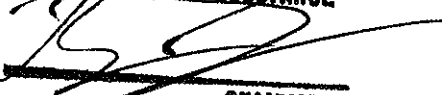
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 15, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 1, 2018; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the special use is issued solely to the applicant, The Medici Gallery and Coffee House, Inc., and the development is consistent with the design and layout of the plans and drawings dated October 30, 2017, prepared by Red Architects.

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:** 75<sup>th</sup> State Food, Inc.

**CAL NO.:** 283-18-S

**APPEARANCE FOR:** Gary Wigoda

**MINUTES OF MEETING:**  
June 15, 2018

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 7453 S. State Street

**NATURE OF REQUEST:** Application for a special use to replace an existing service station building with a one-story building with retail space.

**ACTION OF BOARD-**  
Continued to July 20, 2018 at 2:00 p.m.

**THE VOTE**

**JUL 23 2018**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
RECUSED		
X		

**APPROVED AS TO SUBSTANCE**  
  
**CHAIRMAN**

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

**APPLICANT:** 75<sup>th</sup> State Food, Inc.

**CAL NO.:** 284-18-S

**APPEARANCE FOR:** Gary Wigoda

**MINUTES OF MEETING:**  
June 15, 2018

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 7453 S. State Street

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


**ACTION OF BOARD-**  
Continued to July 20, 2018 at 2:00 p.m.

**THE VOTE**

**JUL 23 2018**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
RECUSED		
X		

**APPROVED AS TO SUBSTANCE**  
  
**CHAIRMAN**



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

APPLICANT: Pandix Group, LLC

CAL NO.: 285-18-S

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:  
June 15, 2018

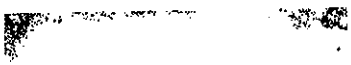
APPEARANCE AGAINST: None

PREMISES AFFECTED: 1641 W. Chicago Avenue

NATURE OF REQUEST: Application for a special use to establish an outdoor patio to be located on the first floor roof deck to serve an existing restaurant.

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**



JUL 23 2018  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
RECUSED		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 15, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 1, 2018; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the special use is issued solely to the applicant, Pandix Group, LLC, and the development is consistent with the design and layout of the plans and drawings dated March 6, 2018, prepared by Obora and Associates.

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

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**

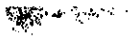
**ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905**

**APPLICANT:** BSEM, LLC **CAL NO.:** 286-18-Z  
**APPEARANCE FOR:** Katriina McGuire **MINUTES OF MEETING:**  
June 15, 2018  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 3748-52 N. Bell Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 34.75' to 22.7\* for a proposed breezeway, north side deck and stairs for the existing garage roof deck on an existing single family residence.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

  
  
**JUL 23, 2018**  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

BLAKE SERCYE  
 SHAINA DOAR  
 SOL FLORES  
 SAM TOIA  
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 15, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 1, 2018; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 22.7\* for a proposed breezeway, north side deck and stairs for the existing garage roof deck on an existing single family residence; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

\*Amended at Hearing

**APPROVED AS TO SUBSTANCE**  
  
**CHAIRMAN**

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

**APPLICANT:** Emmet's, Inc. **CAL NO.:** 287-18-S  
**APPEARANCE FOR:** Same as Applicant **MINUTES OF MEETING:**  
June 15, 2018  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 10934-36 S. Western Avenue  
**NATURE OF REQUEST:** Application for a special use to establish a rooftop outdoor patio to serve an existing tavern.

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

JUL 23, 2018  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

BLAKE SERCYE  
 SHAINA DOAR  
 SOL FLORES  
 SAM TOIA  
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
X		


**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held June 15, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 1, 2018; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the special use is issued solely to the applicant, Emmet's, Inc., and the development is consistent with the design and layout of the plans and drawings dated June 15, 2018, prepared by Kinman Auyeung Architect.

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

**APPROVED AS TO SUBSTANCE**  
  
**CHAIRMAN**

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

**APPLICANT:** Shawn D. Gowder

**CAL NO.:** 288-18-Z

**APPEARANCE FOR:** Same as Applicant

**MINUTES OF MEETING:**  
June 15, 2018

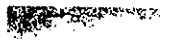
**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 7533 S. Winchester Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 34.8' to zero, the combined side setback combination from 9' to zero on the north and south, front setback from 20' to zero to permit an existing rear 12.33' high wrought iron fence and gate and a 6.41' high wrought iron fence in the front of the existing single family residence.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

  
**JUL 23 2018**  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

BLAKE SERCYE  
 SHAINA DOAR  
 SOL FLORES  
 SAM TOIA  
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 15, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 1, 2018; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to zero, the combined side setback combination to zero on the north and south, front setback to zero to permit an existing rear 12.33' high wrought iron fence and gate and a 6.41' high wrought iron fence in the front of the existing single family residence; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

**APPROVED AS TO SUBSTANCE**  
  
**CHAIRMAN**

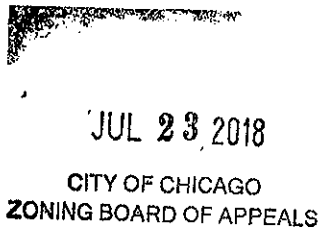
**ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905**

**APPLICANT:** Judy Marth **CAL NO.:** 289-18-Z  
**APPEARANCE FOR:** Same as Applicant **MINUTES OF MEETING:**  
June 15, 2018  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 4425 N. Marmora Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the front setback from the required 17.58' to 16.25', north setback from 4' to 3.11', south setback from 4' to 2.86', combined side setback from 9' to 5.97' for a proposed second floor addition for an existing single family residence.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**



JUL 23 2018  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
X		


**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 15, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 1, 2018; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the front setback to 16.25', north setback to 3.11', south setback to 2.86', combined side setback to 5.97' for a proposed second floor addition for an existing single family residence; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

**APPROVED AS TO SUBSTANCE**  
  
**CHAIRMAN**

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

**APPLICANT:** JCHA Enterprises d/b/a Saloncha

**CAL NO.:** 290-18-S

**APPEARANCE FOR:** Thomas Moore

**MINUTES OF MEETING:**  
June 15, 2018

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3161 N. Halsted Street

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

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

  
**JUL 23 2018**  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

BLAKE SERCYE  
 SHAINA DOAR  
 SOL FLORES  
 SAM TOIA  
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 15, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-times on June 1, 2018; and

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

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

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:** Kyle Cole and Edith Juarez

**CAL NO.:** 291-18-Z

**APPEARANCE FOR:** Nicholas Ftikas

**MINUTES OF MEETING:**  
June 15, 2018

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1317 W. Huron Street

**NATURE OF REQUEST:** Application for a variation to reduce the front setback on W. Ancona Avenue from the required 13.2' to 2' on a through lot for a proposed detached two car garage with an attached fireplace and covered patio to serve an existing two-story, two dwelling unit building.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

JUL 23 2018  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 15, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 1, 2018; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the front setback on W. Ancona Avenue to 2' on a through lot for a proposed detached two car garage with an attached fireplace and covered patio to serve an existing two-story, two dwelling unit building; an additional variation was granted to the subject property in Cal. No. 292-18-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

**APPROVED AS TO SUBSTANCE**  
  
**CHAIRMAN**

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

**APPLICANT:** Kyle Cole and Edith Juarez

**CAL NO.:** 292-18-Z

**APPEARANCE FOR:** Nicholas Ftikas

**MINUTES OF MEETING:**  
June 15, 2018

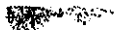
**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1317 W. Huron Street

**NATURE OF REQUEST:** Application for a variation to reduce the setback from the front property line along W. Ancona Street to the proposed parking from the required 20' to 2' for a proposed detached two car garage with attached fireplace and covered patio for the existing two-story, two dwelling unit building.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

  
  
**JUL 23 2018**  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

BLAKE SERCYE  
 SHAINA DOAR  
 SOL FLORES  
 SAM TOIA  
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 15, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 1, 2018; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the setback from the front property line along W. Ancona Street to the proposed parking to 2' for a proposed detached two car garage with attached fireplace and covered patio for the existing two-story, two dwelling unit building; an additional variation was granted to the subject property in Cal. No. 291-18-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

**APPROVED AS TO SUBSTANCE**  
  
**CHAIRMAN**



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

**APPLICANT:** Enviroins Investor Holdings, LLC **CAL NO.:** 293-18-Z

**APPEARANCE FOR:** Sara Barnes **MINUTES OF MEETING:** June 15, 2018

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1820 N. Cleveland Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the north setback from the required 2' to 0.5' (south to be 2.41') combined side setback from 4.8' to 2.91' for a proposed three-story, single family residence with rooftop enclosure, rear open deck and attached two car garage with roof deck.

**ACTION OF BOARD-**  
Continued to July 20, 2018 at 2:00 p.m.

**THE VOTE**

JUL 23 2018  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
X		

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

**APPLICANT:** Toledo LLC, d/b/a Toledo Restaurant

**CAL NO.:** 294-18-Z

**APPEARANCE FOR:** Hassam Khadra\*

**MINUTES OF MEETING:**  
June 15, 2018

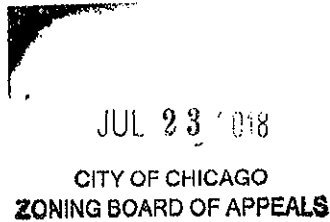
**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 6251 N. McCormick Road, Suite C

**NATURE OF REQUEST:** Application for a variation to establish a public place of amusement license to provide live entertainment, music and public events within a restaurant that is located within 125' of a residential zoning district.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**



JUL 23 2018  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
RECUSED		
X		

**THE RESOLUTION:**

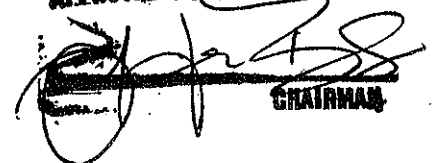
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 15, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 1, 2018; and

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

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

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

\*Scrivener's Error

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

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

**APPLICANT:** Man Huynh d/b/a Glossy Nails Corporation

**CAL NO.:** 295-18-S

**APPEARANCE FOR:** Same as Applicant

**MINUTES OF MEETING:**  
June 15, 2018

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 6950 W. Archer Avenue

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

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

JUL 23 2018  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
X		


**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 15, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-times on June 1, 2018; and

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

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

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 Elston Co.

**CAL NO.:** 296-18-Z

**APPEARANCE FOR:** Adam Penkhus

**MINUTES OF MEETING:**

June 15, 2018


**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 5979 N. Elston Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the front setback from the required 12.96' to 12', rear setback from 32.4' to 7.67' for a proposed three-story, three dwelling unit building with two unenclosed parking stalls.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

  
  
**JUL 23 2018**  
  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

BLAKE SERCYE  
 SHAINA DOAR  
 SOL FLORES  
 SAM TOIA  
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held June 15, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 1, 2018; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the front setback to 12', rear setback to 7.67' for a proposed three-story, three dwelling unit building with two unenclosed parking stalls; an additional variation was granted to the subject property in Cal. No. 297-18-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

**APPLICANT:** Central Elston Co.

**CAL NO.:** 297-18-Z

**APPEARANCE FOR:** Adam Penkhus

**MINUTES OF MEETING:**  
June 15, 2018

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 5979 N. Elston Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the off- street parking requirement by no more than one space from three to two for a proposed three-story, three dwelling unit building.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

**JUL 23 2018**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
X		

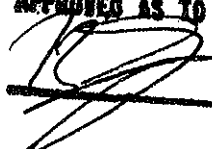
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 15, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-nes on June 1, 2018; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the off- street parking requirement by no more than one space two for a proposed three-story, three dwelling unit building; an additional variation was granted to the subject property in Cal. No. 296-18-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

**APPROVED AS TO SUBSTANCE**  
  
**CHAIRMAN**

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

APPLICANT: 1618-24 Grand, LLC

CAL NO.: 195-18-S

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:  
June 15, 2018

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1620 W. Grand Avenue

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

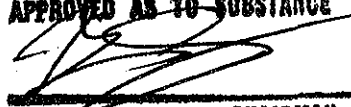
ACTION OF BOARD-  
Continued to July 20, 2018 at 2:00 p.m.

THE VOTE

JUL 23, 2018  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
X		

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

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

APPLICANT: 1618-24 Grand, LLC

CAL NO.: 196-18-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:  
June 15, 2018

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1620 W. Grand Avenue

NATURE OF REQUEST: Application for a variation to reduce the minimum lot area from the required 8,000 square feet to 7,350 square feet for a proposed four-story, eight dwelling unit building and a detached eight car garage.

ACTION OF BOARD-  
Continued to July 20, 2018 at 2:00 p.m.

THE VOTE

JUL 23, 2018  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
X		

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

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

APPLICANT: 1618-24 Grand, LLC

CAL NO.: 197-18-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:  
June 15, 2018

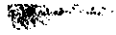
APPEARANCE AGAINST: None

PREMISES AFFECTED: 1620 W. Grand Avenue

NATURE OF REQUEST: Application for a variation to increase the permitted building height from the maximum 45' to 48.7' for a proposed four-story, eight dwelling unit building with a detached eight car garage.

ACTION OF BOARD-  
Continued to July 20, 2018 at 2:00 p.m.

THE VOTE



JUL 23 2018

CITY OF CHICAGO  
ZONING BOARD OF APPEALS

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
X		

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN



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

**APPLICANT:** 1618-24 Grand, LLC

**CAL NO.:** 198-18-Z

**APPEARANCE FOR:** Nicholas Ftikas

**MINUTES OF MEETING:**  
June 15, 2018

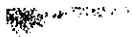
**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1620 W. Grand Avenue

**NATURE OF REQUEST:** Application for a variation to increase the area occupied by an accessory building in the rear setback from 1,323.0 square feet to 1,442.4 square feet for a proposed eight car detached garage that will serve a proposed four-story eight dwelling unit building.

**ACTION OF BOARD-**  
**Continued to July 20, 2018 at 2:00 p.m.**

**THE VOTE**



**JUL 23 2018**

**CITY OF CHICAGO  
ZONING BOARD OF APPEALS**

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
X		

**APPROVED AS TO SUBSTANCE**  
  
**CHAIRMAN**

**APPLICANT:** Patrick Ryan

**CAL NO.:** 298-18-Z

**APPEARANCE FOR:** Thomas Moore

**MINUTES OF MEETING:**  
June 15, 2018

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2715 N. Mildred Avenue\*

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 37.21' to 29.8' for proposed unenclosed stairs to access a roof top deck and trellis on the detached garage stair leading to the existing two level open stair case serving the three- story, two dwelling unit building.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**



BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 15, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 1, 2018; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 29.8' for proposed unenclosed stairs to access a roof top deck and trellis on the detached garage stair leading to the existing two level open stair case serving the three- story, two dwelling unit building; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

\*Scrivener's error

**APPROVED AS TO SUBSTANCE**  
  
**CHAIRMAN**

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

**APPLICANT:** Zen for Men, Inc. **CAL NO.:** 299-18-S  
**APPEARANCE FOR:** Same as Applicant **MINUTES OF MEETING:**  
June 15, 2018  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 1721 N. Western Avenue  
**NATURE OF REQUEST:** Application for a special use to establish a hair salon.

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

JUL 23, 2018  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

BLAKE SERCYE  
 SHAINA DOAR  
 SOL FLORES  
 SAM TOIA  
 AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
X		

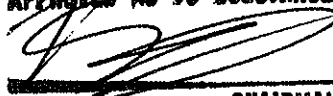
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 15, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 1, 2018; and

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

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

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

**APPROVED AS TO SUBSTANCE**  
  
**CHAIRMAN**

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

**APPLICANT:** 3280 N. California, LLC

**CAL NO.:** 637-17-S

**APPEARANCE FOR:** Sara Barnes

**MINUTES OF MEETING:**  
June 15, 2018

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3280 N. California Avenue

**NATURE OF REQUEST:** Application for a special use to establish residential use and parking below the second floor for a proposed five-story, twenty-five dwelling unit building with enclosed parking.

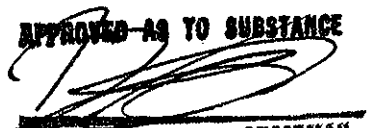
**ACTION OF BOARD-**  
**Continued to August 17, 2018 at 2:00 p.m.**

**THE VOTE**

**JUL 23 2018**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
X		

**APPROVED AS TO SUBSTANCE**  
  
**CHAIRMAN**

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

**APPLICANT:** 3280 N. California, LLC

**CAL NO.:** 638-17-Z

**APPEARANCE FOR:** Sara Barnes

**MINUTES OF MEETING:**  
June 15, 2018

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3280 N. California Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the front setback from the required 4.75' to 2', rear setback from 30' to zero on floors containing dwelling units, the enclosed garage setback from the rear property line from 2' to zero for a proposed five-story, twenty-five dwelling unit building with enclosed parking.

**ACTION OF BOARD-**  
**Continued to August 17, 2018 at 2:00 p.m.**

**THE VOTE**

STAMP

**JUL 23 2018**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
X		

**APPROVED AS TO SUBSTANCE**  
  
**CHAIRMAN**

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

**APPLICANT:** 3280 N. California, LLC

**CAL NO.:** 639-17-Z

**APPEARANCE FOR:** Sara Barnes

**MINUTES OF MEETING:**  
June 15, 2018

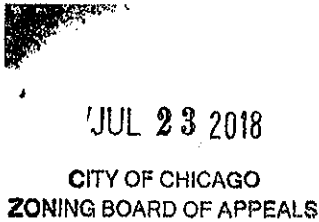
**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3280 N. California Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the required loading stall from one to zero for a proposed five-story, twenty-five dwelling unit building with enclosed parking.

**ACTION OF BOARD-**  
Continued to August 17, 2018 at 2:00 p.m.

**THE VOTE**

  
JUL 23 2018  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
X		

**APPROVED AS TO SUBSTANCE**  
  
**CHAIRMAN**

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

APPLICANT: ME Wentworth, LLC

CAL NO.: 209-18-S

APPEARANCE FOR: Mark Kupiec

MINUTES OF MEETING:  
June 15, 2018

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2353 S. Wentworth Avenue

NATURE OF REQUEST: Application for a special use to establish a one hundred sixty-eight room hotel within a proposed four-story addition and ground floor of an existing two-story mixed use building.


ACTION OF BOARD-  
Continued to July 20, 2018 at 9:00 a.m.

THE VOTE

JUL 23 2018  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
		X

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

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

**APPLICANT:** ME Wentworth, LLC

**CAL NO.:** 210-18-Z

**APPEARANCE FOR:** Mark Kupiec

**MINUTES OF MEETING:**  
June 15, 2018

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2353 S. Wentworth Avenue

**NATURE OF REQUEST:** Application for a variation to eliminate the one required 10' x 50' loading berth for a proposed four story addition for an existing one hundred sixty-eight room hotel on to an existing two-story, mixed use building.


**ACTION OF BOARD-**  
Continued to July 20, 2018 at 9:00 a.m.

**THE VOTE**

**JUL 23 2018**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
X		

**APPROVED AS TO SUBSTANCE**  
  
**CHAIRMAN**



**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

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



**Condor Partners, LLC**  
APPLICANT

229-18-S, 230-18-Z, 231-18-Z, 232-18-Z, 233-18-S, 234-18-Z, 235-18-Z, 236-18-Z, 237-18-S, 238-18-Z, 239-18-Z, 240-18-Z, 241-18-Z, and 242-18-Z  
CALENDAR NUMBERS

**816, 822, 826 & 832 W. Cullerton Avenue**  
PREMISES AFFECTED

**June 15, 2018**  
HEARING DATE

**ACTION OF BOARD**

The application for the special use for 816 W. Cullerton is denied. The applications for the special uses for 822 and 826 W. Cullerton are approved. The applications for the variations for 816, 822, 826, and 832 W. Cullerton are approved.

**THE VOTE (SPECIAL USE FOR 816 W. CULLERTON)**

	AFFIRMATIVE	NEGATIVE	ABSENT
Blake Sercye	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Shaina Doar	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sol Flores	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Amanda Williams	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**THE VOTE (SPECIAL USES FOR 822 & 826 W. CULLERTON)**

	AFFIRMATIVE	NEGATIVE	ABSENT
Blake Sercye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Shaina Doar	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sol Flores	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Amanda Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**RECEIVED**

SEP 24 2018

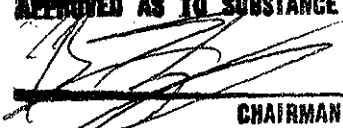
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

**THE VOTE (VARIATIONS FOR 816, 822, 826 & 832 W. CULLERTON)**

	AFFIRMATIVE	NEGATIVE	ABSENT
Blake Sercye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Shaina Doar	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sol Flores	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Amanda Williams	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**FINDINGS OF THE ZONING BOARD OF APPEALS  
IN THE MATTER OF THE SPECIAL USE AND VARIATION APPLICATIONS  
FOR 816, 822, 826 & 832 W. CULLERTON BY CONDOR PARTNERS, LLC**

**I. BACKGROUND**

**APPROVED AS TO SUBSTANCE**  
  
**CHAIRMAN**

Condor Partners, LLC (the "Applicant") submitted special use applications for 816, 822, and 826 W. Cullerton. The Applicant also submitted variation applications 816, 822, 826, and 832 W. Cullerton. 816, 822 and 826 W. Cullerton are currently zoned C1-2 and are vacant. 832 W. Cullerton is currently zoned RT-4 and is vacant. The Applicant proposed to develop a four-story, six dwelling unit building at 816, 822 and 826 W. Cullerton, for a total of three (3) four-story, six dwelling unit building (i.e., one four-story, six dwelling unit building per property). The Applicant further proposed to develop a three-story, five dwelling unit building at 832 W. Cullerton.

To permit the development at 816 W. Cullerton, the Applicant sought: (1) a special use to permit residential use below the second floor; (2) a variation to reduce the lot area from the required 6000 square feet to 5834 square feet; (3) a variation to reduce the rear setback from the required 30' to 0'; and (4) a variation to increase the height from the maximum 45' to 47.16' (which is not more than 10%). To permit the development at 822 W. Cullerton, the Applicant sought: (1) a special use to permit residential use below the second floor; (2) a variation to reduce the lot area from the required 6000 square feet to 5833 square feet; (3) a variation to reduce the rear setback from the required 30' to zero; and (4) a variation to increase the height from the maximum 45' to 47.16' (which is not more than 10%). To permit the development at 826 W. Cullerton, the Applicant sought (1) a special use to permit residential use below the second floor; (2) a variation to reduce the lot area from the required 6000 square feet to 5833 square feet; (3) a variation to reduce the rear setback from the required 30' to zero; (4) a variation to reduce the rear setback from the required 30' to 0' and reduce the west setback which abuts an RT-4 district from 5' to 0'; and (5) a variation to increase the height from the maximum 45' to 47.16' (which is not more than 10%). To permit the development at 832 W. Cullerton, the Applicant sought: (1) a variation to reduce the front setback from 12' to 7', rear setback from 30' to 0', east and west side setbacks from 5' each to 0' and combined side setback from 10' to 0'; and (2) a variation to relocate the required 325 square feet of rear yard open space to a proposed garage roof top deck.

In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City's Department of Planning and Development ("Department") recommended approval for the special uses for 816, 822 and 826 W. Cullerton.

## II. PUBLIC HEARING

### A. The Hearing

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's special use and variation applications at its regular meeting held on June 15, 2018, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Sun-Times*, and as continued without further notice pursuant to Section 17-13-0108-A of the Chicago Zoning Ordinance. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure, the Applicant had submitted its proposed Findings of Fact. The Applicant's representative, Mr. Micháel McLean and its attorney Mr. Bernard Citron were present. Also present on behalf of the Applicant were the Applicant's architect Mr. John Hanna and the

Applicant's certified general real estate appraiser Mr. Peter Poulos. Mr. and Mrs. John Podmajersky and their related entities (collectively, the "Podmajerskys") were in opposition to the applications. Mr. John Podmajeresky and his attorney Ms. Bridget O'Keefe were present. Also present on behalf of the Podmajerskys were the Podmajerskys' appraiser Mr. Joe Wallace and their land planner Mr. George Kisiel. Mr. George Blakemore and Mr. Alexander Hartrate also opposed the applications. With the exception of Mr. Blakemore, the statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

The Applicant presented the expert testimony of its architect Mr. John Hanna. Mr. Hanna testified that the plan of development was the same for each of the properties at 816, 822 and 826 W. Cullerton. He then testified as to the plan of development for each of the three properties. He testified that the variation request for the height increase was due to the fact that the Applicant was not proposing to put commercial use on the three properties. He testified that with respect to 826 W. Cullerton, the request to reduce the west setback was due to the fact that 826 W. Cullerton abutted an RT-4 zoning district. He testified that the request to reduce the rear setback on all three properties was due to the Applicant's desire to maintain more open space in the rear yard and therefore access the garage roof deck of each property from the back stairwell.

In response to questions from the ZONING BOARD OF APPEALS, the Applicant's attorney Mr. Bernard Citron stated that 816, 822 and 826 W. Cullerton all had 100' lot depths. He reminded that this was not the lot depth of a standard City lot. He reminded the ZONING BOARD OF APPEALS that one parking space was required per dwelling unit

Mr. Hanna then testified that the request to reduce the required minimum lot area on 816, 822 and 826 W. Cullerton was due to the fact that each of the three properties was only 100' deep. He testified that if the lots were standard City lots, such a request would not be necessary.

The ZONING BOARD OF APPEALS then stated that a standard City lot was 25' wide by 125' deep.

Mr. Hanna then testified that none of the requested variations would have a negative impact on the surrounding properties, including any of the commercial properties on Halsted Avenue. He testified that the proposed buildings on 816, 822 and 826 W. Cullerton were in character with the neighborhood with respect to their heights and how they would sit on their respective properties. He testified that there were buildings in the neighborhood that were taller than the proposed buildings. He testified that the variations, if granted, would not alter the essential character of the neighborhood on Cullerton. He testified that Cullerton, with the exception of just west of the Applicant's properties, was basically a residential street. He testified that with respect to the special use requests for 816, 822, and 826 W. Cullerton, these special use requests would also not be out of character with the area of W. Cullerton that is west of Jordan Court.

The Applicant presented the testimony of its representative Mr. Michael McClean. Mr. McClean testified that the Applicant's proposed plan of development for all four properties was not financially feasible if the Applicant was not granted the variation to build six dwelling units on each of the properties at 816, 822 and 826 W. Cullerton. He testified that the Applicant would not be able to make a reasonable return on its investment without the requested variation. He testified that this was based on the current land value prices in the Pilsen neighborhood. He testified that the Applicant was building dwelling units that were sized for families that wished to live in a townhouse-type setting within the Pilsen community.

Mr. Hanna then testified that with respect to the proposed buildings on 816, 822, 826 and 832 W. Cullerton, the simplex units were about 1350 square feet per dwelling unit while the duplex units were about 2500 – 2700 square feet. He testified that all dwelling units had three bedrooms.

Mr. McClean then testified that the size of the dwelling units in the Applicant's proposed buildings were far larger than what was currently being built in the Pilsen neighborhood. He testified that what was currently being built in Pilsen were dwelling units about 500 square feet in size, which while said units were relevant to a certain type of user, the Applicant believed what was needed in Pilsen were the types of dwelling units that the Applicant's proposed to build. He testified that this need for larger dwelling units in Pilsen is what was driving the request to allow for a sixth dwelling unit at 816, 822 and 826 W. Cullerton. He testified that this need for larger dwelling units in Pilsen was also what was driving the requests to reduce the setbacks on 816, 822, and 826 W. Cullerton. He testified that most of the buildings on Halsted and Cullerton were built lot line to lot line, and the Applicant felt setting the proposed buildings back with a front yard was therefore important. He testified that the Applicant did so by pushing back the garage slightly to the alley, which was common on the neighboring blocks of 19<sup>th</sup> Place, 18<sup>th</sup> Place, 19<sup>th</sup> Street, and the subject properties' alley. He testified that interior green spaces within the properties were important to the Applicant as well because the Applicant would be marketing these dwelling units to people with children.

Mr. McClean then testified as to his experience as a commercial real estate developer in general and to the Pilsen neighborhood in particular. He testified as to the current state of development in Pilsen, especially with respect to the revitalization of the community. He testified that vacancy does not lend itself to vibrancy of a neighborhood and that he feared that commercial use on 816, 822 and 826 W. Cullerton would remain vacant as such commercial use was not feasible in the current environment. He then testified as to the Applicant's current investment in commercial development in the Pilsen neighborhood. He testified that the Applicant's current commercial investment in the Pilsen neighborhood was due in large part to having residential uses within walking distances. He testified that while Halsted was zoned commercial at this location, there were many vacant storefronts. He testified that residential density helps retail development.

In response to questions from the ZONING BOARD OF APPEALS, Mr. McClean testified that the Applicant had designed the proposed buildings to remain as close to the underlying zoning as possible, with the exception of no commercial use on the ground floor. He testified that while the properties were vacant and therefore the Applicant might be said to be working from a "blank slate," such "blank slate" has existed for a generation. He testified that the Applicant was not the first entity to propose a plan of development on the three properties, but that the Applicant was the first entity that was closest to actually executing a plan of development. He testified that 816, 822 and 826 W. Cullerton were blighted, vacant lots. He testified that the three properties were 25' shorter than an average City lot. He testified that 816 W. Cullerton was a corner lot on the intersection of W. Cullerton and Jordan Court, though Jordan Court functioned as an alley at this location. He testified that 816, 822 and 826 W. Cullerton were in the transition point between the larger buildings on Halsted and the single-family homes on W. Cullerton to the west of the three properties.

In response to further questions from the ZONING BOARD OF APPEALS, Mr. McClean testified as to the Applicant's necessity for the request to increase the height on 816, 822 and 826 W. Cullerton. He testified that in today's industry standards, a minimum 9' ceiling height is necessary for a finished ceiling and that there also needs to be interstitial space for steel, wood, plumbing, electric and HVAC. He then testified as to how the Applicant determined what was a reasonable rate of return.

Mr. McClean then testified to and the ZONING BOARD OF APPEALS accepted into the record photographs that accurately and truthfully depicted Jordan Court from 2009 through 2016. He testified that the Applicant had owned property in the neighborhood for about two years and controlled land on the west side of Jordan Court at this location. Mr. McClean then testified as to his familiarity with Halsted at this location. He then testified to and the ZONING BOARD OF APPEALS accepted into the record photographs that accurately and truthfully depicted "for lease" signs or spaces along Halsted.

The Applicant presented the expert testimony of its general certified appraiser Mr. Peter Poulos. Mr. Poulos testified that he had been retained to determine if the requests for special uses at 816, 822, and 826 W. Cullerton met the requirements for special uses as set forth in the Chicago Zoning Ordinance. He testified as to what steps he took in making such a determination. He testified that ground floor commercial would be incompatible with the development along Cullerton at this location, due mainly to other improvements in the area, such as the school directly across the street from 816, 822 and 826 W. Cullerton and the single-family residential development slightly to the west. He testified that this is similar to other places in Chicago where the further one moves away from arterial streets such as Halsted, the more the secondary streets such as Cullerton turn towards residential development. He testified this was also similar to the trend of development on Ashland and its secondary street of 19th Street.

The Applicant again presented the expert testimony of its architect Mr. John Hanna. Mr. Hanna testified as to the Applicant's plan of development for 832 W. Cullerton. He

testified that 832 W. Cullerton is 50' wide x 100' deep, so although it is wider than a standard City lot, it still has a substandard lot depth. He testified that this substandard lot depth was the reason for the requested variations to 832 W. Cullerton. In particular, he testified that as the proposed garage would occupy more than 60% of the required rear yard space, the Applicant had to make a request to reduce its rear yard setback to 0'. Mr. Hanna testified that this request to reduce the rear yard setback triggers a request to reduce the side yard setbacks, as since the rear yard setback is now set at 0', the side setbacks extend to the rear of the lot. Mr. Hanna testified that, in consequence, the proposed garage was now considered to be in the side setbacks. He further testified that this is also what necessitates the request to relocate the rear yard open space. He testified that these variations would not alter the essential character of the neighborhood because the building next west went to the property line and was a longer building. He testified that other buildings in the neighborhood were also built lot lien to lot line. He testified that the requested variations would not impair an adequate supply of light and air to adjacent property or increase the danger of fire or endanger the public safety.

Mr. Citron requested and the ZONING BOARD OF APPEALS agreed to adopt Mr. McClean's earlier testimony with respect to reasonable rate of return on the properties at 816, 822 and 826 W. Cullerton for the property at 832 W. Cullerton.

The attorney for the Podmajerskys Ms. Bridget O'Keefe was granted leave to cross-examine Mr. McClean. Mr. McClean further testified that the Applicant was purchasing 816, 822, 826 and 832 W. Cullerton pursuant to a zoning contingency. He testified that the Applicant was not going to develop 816, 822, 826 and 832 W. Cullerton itself but rather the development would be done by MCM Properties. He testified that the Applicant was not "flipping" the four properties. He testified the four properties could only be purchased in conjunction with the adjacent commercial property that the Applicant would be developing. He testified that the Applicant – along with its former partners – had developed over 2000 residential dwelling units over the past fifteen (15) years but that the Applicant had decided to focus solely on commercial development in Pilsen. He testified that the Applicant therefore is bringing in another developer to work with the Applicant to develop the four properties at 816, 822, 826 and 832 W. Cullerton. He testified that the Applicant was not pursuing planned development for the four properties. He testified that the proposed dwelling units at the four properties would be condominium units not rental units. He testified as to other properties the Applicant owned in the area. He testified that residential use was allowed at the 816, 822 and 826 W. Cullerton as of right and that it was only ground-floor residential that required the special use. He testified that therefore there is no problem introducing residential at this location and that the appropriateness of ground floor residential at this location depended upon what the ground floor commercial would or would not rent for. He testified that he was aware that Jordan Court was a platted street. He testified that he believed the buildings on Jordan Court were vacant but that he knew they were commercial use buildings. He testified he was unaware that the buildings at 1923, 1936 and 1942 S. Halsted had over 70,000 square feet of leased commercial space.

Ms. Bridget O'Keefe was granted leave to cross-examine Mr. Hanna. Mr. Hanna further testified that he did not remember testifying that six-unit buildings in Pilsen are typical. He testified that he previously testified that the way the residential units look from the street is very typical. He testified that 100' deep lot is not a standard City lot. He testified that there are many 100' deep lots in Pilsen. He testified that he was able to design the principal buildings at 816, 822 and 826 W. Cullerton without encroaching on the 30' rear setback. He testified that he was actually able accommodate a 41' rear setback. He testified that the plans for the proposed buildings do maximize the floor area ratio ("FAR") of 816, 822 and 826 W. Cullerton. He testified that if the lots were 25' deeper, the lot depth would not affect his ability to design buildings that maximized the FAR without variations. He testified that if the Applicant were only providing five dwelling units on 816, 822 and 826 W. Cullerton, the Applicant would still need a rear setback reduction because the garage would still probably exceed 60% of the rear yard setback. He testified that with respect to 832 W. Cullerton, the Applicant was able to design the principal building without encroaching on the 30' rear setback. He testified that he was actually able to accommodate a 36' rear setback. He testified that the plans for the proposed building at 832 W. Cullerton maximized the FAR of the lot as well as the number of dwelling units. He testified that this is like every project the Applicant did.

Ms. O'Keefe was granted leave to cross-examine Mr. Poulos. Mr Poulos further testified that he was aware that there were commercial properties located across Jordan Court (e.g., 1923, 1936 and 1942 S. Halsted). He testified that he would be surprised that 1923, 1936 and 9142 S. Halsted had over 70,000 feet of leased commercial space. He testified whether or not there was a demand for commercial space in the area depended upon how much commercial space is available overall. He testified that Halsted had something like 20,000 cars a day at this location but testified he was unaware of the numbers on Cullerton. He testified that the Applicant's 100,000 square foot development at Peoria and Cullerton was outside the scope of his assignment. He testified that Ashland Avenue was eight blocks away from the 816, 822, and 826 W. Cullerton. He testified that his comparables were not located in Pilsen but rather Logan Square and Bucktown. He testified that the comparables were not in the same zip code as the 816, 822 and 826 W. Cullerton.

Ms. O'Keefe began a line of questioning with respect to 2559 W. North Avenue, one of Mr. Poulos comparables, and she and Mr. Citron stipulated to the introduction of a Type-1 rezoning ordinance for 2559 W. North Avenue into the record. The ZONING BOARD OF APPEALS then noted that it was having difficulty correlating the information from the historical documents Ms. O'Keefe was introducing and that unless she had very narrowly tailored questions for cross-examination, it would rather she move on to her own witnesses. The ZONING BOARD OF APPEALS further noted that Ms. O'Keefe had established that Mr. Poulos had cited a building not immediately in the area with respect to his comparable and that it believed she had done enough to discredit Mr. Poulos in that respect.

Ms. O'Keefe then began her case-in-chief. The Podmajerskys presented the testimony of Mr. John Podmajersky. Mr. Podmajersky testified that he was the president

of Podmajersky Inc., which had a principal business address of 1945 S. Halsted. He testified as to his background as a real estate manager and investor in the Pilsen neighborhood. He testified that he owned over 365,000 square feet of property in Pilsen and that 94% of this square footage was commercial space and the remaining 6% was residential space. He testified that all of this square footage was within a two to three block walk of the 816, 822, 826 and 832 W. Cullerton. He testified that by his estimation he has leased apartment to over 2000 tenants in the immediate area over the past fifteen years. He testified that he has signed commercial leases totaling over 1 million square feet over the past fifteen years. He then testified as to what properties he owned in the vicinity. In particular, he testified to the properties he owned that were directly across Jordan Court from the Applicant's properties. He testified that his building at 1932 S. Halsted (Fountain Head Lofts) features pedestrian entrances off of both Jordan Court and Halsted. He testified that his tenants at this building use both entrances equally for accessing their spaces. He testified that the building is a 24/7 building that caters mostly to a creative crowd. He testified that therefore there are lots of gallery openings and special events throughout the week. He testified that his tenants depend on unimpeded access to both Jordan Court and Halsted Street and very actively utilize the parking on the west side of Jordan Court and Cullerton Avenue. He testified that that 1932 S. Halsted utilizes Jordan Court for loading and for ingress and egress. He testified that his building at 1942 S. Halsted contains two not-for-profit companies on the ground floor with two residential units above. He testified that he owned most of the commercial properties on the east side of Halsted from 19th Place to Canalport and that the mix of tenants in these buildings was similar to what he had previously described. He testified that all of the ground-floor retail on his property south of Halsted Street was leased and occupied.

Mr. Podmajersky then testified to his involvement in the Chicago Arts Districts which sponsored the Second Friday Gallery Night in the area. He testified that due to the large number of art galleries in the area, typical business hour are not 9:00 AM to 5:00 PM and that there are a lot of gallery walks in the area. He testified that he had owned 836 W. Cullerton since 1986 and that it was not a vacant, boarded up building. He testified that it instead fully occupied with only normal, residential turnover. He again testified that his tenants use Jordan Court and Halsted Street for ingress and egress. He testified that loading for his tenants is off of Jordan Court. He testified that his tenants do not have typical office hours of 9:00 AM to 5:00 PM and that some operate seven days a week. He testified that the tenants in his buildings tend to park on Jordan Court. He testified that there is currently public street parking on the west side of Jordan Court. He testified that his building at 1942 W. Cullerton is directly across from the Applicant's properties and that Jordan Court is twenty feet wide at this location. He testified that there is currently demand for ground floor retail on Jordan Court and he is currently working on a plan to create five retail storefronts on Jordan Court and five retail storefronts on Halsted Street at 1832 S. Halsted. He testified that he believed that the Applicant's should the proposed special uses and variations be granted, they would alter the essential character of the neighborhood. He testified that this was because the surrounding area was mixed use and has fantastic vintage building stock. He testified that people liked walking the neighborhood. He testified that Cullerton and Jordan Court are both extremely good



locations for ground floor retail and residential use above. He testified that eliminating commercial use at the 816, 822 and 826 W. Cullerton will damage his property values along Jordan Court and Halsted.

The Podmajerskys presented the testimony of their expert land planner and architect Mr. George Kisiel. Mr. Kisiel testified that he was retained to conduct an urban planning analysis of the Applicant's proposed plan of development for 816, 822, 826 and 832 W. Cullerton. He testified as to his familiarity with the area and then testified as to why he believed that the special use and variation applications were the wrong method for developing these properties and testified to his own preference of rezoning, either via map amendment or via planned development. He then testified contrary to zoning lots that were zoned for residential, zoning lots that were zoned for commercial did not have a front yard setback. He testified that, in consequence, a 100' deep lot that is zoned commercial is not such a constraint on development as a 100' deep lot that is zoned for residential. He testified that if the Applicant designed its garages slightly smaller, the Applicants would no longer need to request rear yard reduction relief.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Kisiel testified that he did not know why 816, 822, 826 and 832 W. Cullerton have remained vacant for at least ten years.

Mr. Kisiel testified that the vacancy may be related to the split zoning between commercial and residential. He testified he did not believe ground floor residential was appropriate at this location. He testified that he did not believe the proposed buildings as designed fit the two general prototypes of the neighborhood. He testified that the two general prototypes of the neighborhood were either large loft buildings or small-scale residential buildings on lots that were developed pre-Chicago fire and pre-Chicago Zoning Ordinance. He testified that while the proposed buildings look loft-like due to the elevations, the proposed buildings occupy the site in a more residential manner. He testified that the proposed buildings therefore do not fit in with the character of the neighborhood due to site massing rather than because of a particular style of architecture. He testified that with respect to the special use requests, such special use request would lead to a land use conflict. He testified that there would be new families moving in at the ground floor residential and that they would expect a certain level of peace and quiet after normal business hours. He testified that this would not occur due to the land uses immediately adjacent to them on the east (e.g., across Jordan Court). He testified that he did believe that there was the potential for negative effect on the commercial properties to the east of the 816, 822, 826 and 832 W. Cullerton. Mr. Kisiel testified that with respect to the 832 W. Cullerton property which was zoned residential, the property was 50' wide, so again he did not believe that a 100' lot depth was a hardship. He then testified as to his alternative design for the proposed building at that property.

The Podmajerskys presented the expert testimony of their appraiser Mr. Joe Wallace. Mr. Wallace testified that he had been retained to investigate whether the Applicant's proposed development of 816, 822, 826 and 832 W. Cullerton was compatible with the area with respect to the requests for special uses and variations. He testified as what

steps he took in making his investigation. He testified that the Applicant did not meet the criteria for a special use. In particular, he testified that the Applicant did not meet Section 17-13-0905-A(2) of the Chicago Zoning Ordinance as it was his belief that the Applicant's proposed special uses would be detrimental to commercial uses in the area because such special uses would limit commercial development on Jordan Court. He testified that 1932 S. Halsted (Fountain Head Lofts) would be particularly impacted as it is currently 90% occupied. He testified that if all residential was allowed at the corner of Cullerton and Jordan Court, the synergy of a through street that is all commercial is lost. He testified that one would no longer have the need to make a turn to go down Jordan Court if one was walking the street.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Wallace acknowledged that four residential buildings would not sink all commercial development in Pilsen. He testified that, however, Jordan Court is a very unique portion of Pilsen and that four residential buildings at the corner of Jordan Court and Culelrtton would have a negative impact on Jordan Court.

The ZONING BOARD OF APPEALS noted that this may be the case for the property at 832 W. Cullerton and then questioned if Mr. Wallace was discussing only 832 W. Cullerton or if he was making this argument with respect to all of the Applicant's properties.

Mr. Wallace then testified that all residential use for 822 and 826 W. Cullerton would also be detrimental to commercial development to the corridor from Halsted to Sangamon. He testified that on the north side of Cullerton there were only two lots that are zoning residential from Halsted to Sangamon.

The ZONING BOARD OF APPEALS stated that the south side of Cullerton from Halsted to Sangamon had at least four lots that were zoned residential. The ZONING BOARD OF APPEALS noted that there were pockets of residential along Cullerton.

Ms. O'Keefe stated that historically Pilsen was a mixed-use neighborhood.

The ZONING BOARD OF APPEALS stated that such a statement did not help the Podmajerskys argument.

Mr. Wallace then testified as to his belief that there was no hardship with respect to any of the Applicant's variation requests because 93% of the lots within the immediate area are 100' deep or less. He testified that while 25' x 125' is the standard City lot, a lot 100' deep is the standard Pilsen lot.

The ZONING BOARD OF APPEALS then asked Mr. Wallace if he proposed that the ZONING BOARD OF APPEALS adopt a new standard of lot depth for Pilsen lots and that within the Pilsen neighborhood, no one could claim a hardship the lot depth was only 100' feet.

Mr. Wallace testified that this was indeed his opinion and that his data supported this. He testified that the 100' lot depth was also not a unique circumstance. He testified that commercial rates were rising in Pilsen alongside residential rates and that, therefore, the Applicant should be able to make a reasonable return upon its investment by developing 816, 822, and 826 W. Cullerton as mixed-use. He further testified that it was his belief that the Applicant could develop 832 W. Cullerton without the variation and still make a reasonable return upon its investment.

In response to the Podmajerskys case-in-chief, Mr. Citron was granted leave to re-direct Mr. McClean. Mr. McClean testified that he agreed with Mr. Wallace's report that Pilsen commercial rental rates were currently at about \$18 per square foot. He testified that at these rental rates, he could not make new commercial construction feasible in Pilsen at 816, 822, and 826 W. Cullerton. He testified that he based this conclusion off of the fact that in order to get rents where new construction can afford it, rents have to be well in the \$20s per square foot. He testified that \$25 per square foot is the base price for the Applicant's proposed commercial development in the area. He testified it takes \$250 a square foot to construct a new building and support a tenant in a commercial environment. He testified that if the Applicant had an old building that had no mortgage and could be easily broken up into tenant space, \$18 per square foot was feasible. He testified that the Applicant did not have an old building with no mortgage but instead had a vacant piece of land that had been vacant for a long time. He testified that while he may not know the actual zoning classification of the area, he knows Halsted is a commercial corridor. He testified that he spent three years evaluating the market in Pilsen before decided what projects the Applicant wanted and did not want to do.

In response to the Podmajerskys case-in-chief, Mr. Citron was granted leave to re-direct Mr. Poulos. Mr. Poulos testified that if he were appraising a property for value, he would look at relevant property values within an area, zip code or submarket. He testified that in this instance, he was not appraising property for value but rather assessing whether or not the special use would have an impact on the surrounding properties. He testified that throughout the City there are residential uses interspersed with commercial uses. He testified that in general this does not create adverse impact on the surrounding properties. He testified that he did not believe putting in six residential uses on the ground floor would negatively affect Mr. Podmajerkys' loft building at 1932 S. Halsted. He testified that there is a similar development scheme throughout the City. He testified that there are several businesses throughout the City that operate in the later hours and that Jordan Court will operate as a buffer.

Mr. George Blakemore, address unknown, testified in opposition to the applications.

Mr. Alexander Hartrate, of 2019 N. Sedgwick, testified in opposition to the applications.

#### B. Criteria for a Special Use

Pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance, no special use

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

### C. Criteria for a Variation

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

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

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

### III. FINDINGS OF FACT

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

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

As set forth in Mr. Poulos' report, the C1 zoning district requires special use approval for any ground floor residential use.

#### 816 W. Cullerton

Since the ZONING BOARD OF APPEALS finds that the proposed special use for 816 W. Cullerton does not meet all criteria necessary for a special use pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance, the proposed special use for 816 W. Cullerton does not comply with all applicable standards of the Chicago Zoning Ordinance.

#### 822 and 826 W. Cullerton

Since the ZONING BOARD OF APPEALS finds that the proposed special uses for 822 and 826 W. Cullerton meet all criteria necessary for a special use pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance, the proposed special uses for 822 and 826 W. Cullerton comply with all applicable standards of the Chicago Zoning Ordinance.

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

#### 816 W. Cullerton

The ZONING BOARD OF APPEALS finds that the proposed special use for 816 W. Cullerton would have a significant adverse impact on the general welfare of neighborhood. In particular, the ZONING BOARD OF APPEALS finds Mr. Wallace's testimony with respect to Jordan Court very credible in this regard. In particular, the ZONING BOARD OF APPEALS finds that by allowing ground floor residential at the corner of Cullerton and Jordan Court, the synergy of an all-commercial through street is lost. This will be detrimental to the businesses that currently exist on Jordan Court.

822 and 826 W. Cullerton

The ZONING BOARD OF APPEALS finds the proposed special uses for 822 and 826 W. Cullerton are in the public convenience. Mr. McClean very credibly testified to the need for residential dwelling units in the Pilsen neighborhood in general and larger, family-sized residential dwelling units in particular. The ZONING BOARD OF APPEALS further finds that the proposed special uses for 822 and 826 W. Cullerton will not have a significant adverse impact on the general welfare of the neighborhood or community. The ZONING BOARD OF APPEALS rejects Mr. Wallace's testimony with respect to the harm the proposed special uses would have on Cullerton between Halsted and Sangamon. There are single-family homes to the west of 822 and 826 W. Cullerton. There is a school directly across the street from 822 and 826 W. Cullerton. This area is historically mixed-use, and residential is allowed above grade as of right. Moreover, as these properties are not located on the corner of Jordan Court and Cullerton and are indeed, located even further from the corner of Halsted, ground floor residential will not have a significant adverse impact on the commercial corridor in this portion of Pilsen.

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

The proposed special uses will be located within buildings that are -- as very credibly testified to by Mr. Hanna -- compatible to the surrounding area with respect to their heights and how they would sit on their respective properties.

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

816 W. Cullerton

The proposed special use will be incompatible with the commercial operating characteristics of Jordan Court at this location. As very credibly testified to by Mr. Kisiel, the operating characteristics of ground floor residential at this site will conflict with the operating characteristics of the commercial buildings on Jordan Court.

822 and 826 W. Cullerton

The proposed special uses are compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor

lighting, noise and traffic generation. As noted above, there are single-family homes to the west of 822 and 826 W. Cullerton. There is a school directly across the street from 822 and 826 W. Cullerton. This area is historically mixed-use, and residential is allowed above grade as of right. Moreover, as these properties are not located on the corner of Jordan Court and Cullerton and are, indeed, located even further from the corner of Halsted, ground floor residential will not conflict with the commercial operating characteristics of Jordan Court and Halsted.

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

As the proposed special uses will be located within buildings that are set back from the sidewalk, the proposed special uses are designed promote pedestrian safety and comfort. Further, since the proposed garages for the proposed buildings will be accessed off of the alley, there will be no new curb cuts onto Cullerton which will also promote pedestrian safety and comfort.

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

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

Due to the 100' lot depth of the four properties of 816, 822, 826 and 832 W. Cullerton, strict compliance with the regulations and standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships for the subject property. The ZONING BOARD OF APPEALS cannot accept the proposition that because most lots in Pilsen are 100' deep, the Applicant suffers no hardship. The Chicago Zoning Ordinance applies indiscriminately to every piece of property within the City, regardless of the neighborhood in which it is located.<sup>1</sup> Pursuant to Section 17-17-02174, the Chicago Zoning Ordinance considers any lot having a lot depth of less than 125' to be a substandard lot.

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

Pursuant to Section 17-1-0512 of the Chicago Zoning Ordinance, the requested variations maintain a range of housing choices and options. Further, pursuant to

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<sup>1</sup> See Section 17-1-0400 of the Chicago Zoning Ordinance ("The regulations of this Zoning Ordinance apply to all development, public or private, within the corporate limits of the City of Chicago, unless otherwise expressly exempted or provided in this Zoning Ordinance.")

Section 17-1-0508 of the Chicago Zoning Ordinance, the requested variations maintain orderly and compatible land use and development patterns.

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

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

The ZONING BOARD OF APPEALS found Mr. McClean to be a very credible witness with respect to reasonable rate of return. In particular, the ZONING BOARD OF APPEALS finds that with respect to the commercial properties, the Applicant cannot make a reasonable rate of return by building commercial buildings. Instead, the Applicant can only make a reasonable rate of return if it builds residential buildings. Since residential buildings require a one dwelling unit to one parking space ratio and the three properties are only 100' deep, the Applicant requires the reduction to the rear yard setback. Similarly, the Applicant requires a variation to reduce the required lot area. And, since the Applicant cannot make a reasonable return with commercial use on the three properties, the Applicant requires a variation to increase the height of the proposed buildings. Again, the ZONING BOARD OF APPEALS finds Mr. McClean to be a very credible witness with respect to his testimony on ceiling height. With respect to 1832 S. Cullerton, reasonable return on the Applicant's investment requires that the Applicant build five dwelling units. Due to the 100' substandard lot depth and as Mr. Hanna very credibly testified, the variations to reduce the setbacks and to relocate the rear yard open space are necessary to for the Applicant to build the proposed building.

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

The substandard lot depths of 816, 822 and 826 W. Cullerton are unique circumstances and are not generally applicable to commercially zoned property. Moreover, the fact 826 W. Cullerton abuts a RT-4 zoning district is also a unique circumstance and not generally applicable to other commercially zoned property. The substandard lot depth of 832 W. Cullerton is a unique circumstance and not generally applicable to residentially zoned property. As noted above, the ZONING BOARD OF APPEALS cannot accept the proposition that because most lots in Pilsen are 100' deep, the Applicant suffers no hardship. Similarly, the ZONING BOARD OF APPEALS cannot accept the proposition that a substandard lot depth is not unique simply because one particular neighborhood of the City has more substandard lot depths than other neighborhoods. The Chicago Zoning Ordinance applies indiscriminately to property throughout the City, and the ZONING BOARD OF APPEALS must therefore look at the each



particular piece of property against similarly situated property throughout the City – as opposed to one particular neighborhood.

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

The variations, if granted, will not alter the essential character of the neighborhood. As Mr. Kisiel testified, Pilsen is made up of older loft large loft buildings and smaller scale residential dwelling units. In this particular portion of Pilsen, there are large loft buildings directly across Jordan Court. There is single-family housing to the west on Cullerton. The variations will allow for the proposed buildings to be built, and the ZONING BOARD OF APPEALS finds that these proposed buildings will provide a good transition from the large loft buildings to the single-family housing. Therefore, as Mr. Hanna very credibly testified, the variations will allow for buildings that will fit in with the surrounding area with respect to their heights and how they sit on their respective properties.

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

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

The shape of the 816, 822, 826 and 832 W. Cullerton – namely, their 100' substandard lot depths – results in particular hardship upon the property owner as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out. Moreover, the particular physical surroundings of 826 W. Cullerton – namely, that it abuts a RT-4 zoning district – also results in particular hardship. The ZONING BOARD OF APPEALS finds it quite significant that even Mr. Kisiel could not provide an adequate explanation as to why these four properties had remained vacant for so long.

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

The 100' substandard lot depths of 816, 822 and 826 W. Cullerton are not conditions applicable, generally, to other property within the C1-2 zoning classification. The ZONING BOARD OF APPEALS rejects Mr. Kisiel's contention that simply because property is zoned commercial, a substandard lot depth is suddenly no longer a hardship. As noted above, the Chicago Zoning Ordinance applies indiscriminately to every piece of property within the City,

regardless of the neighborhood in which it is located, and pursuant to Section 17-17-02174, the Chicago Zoning Ordinance considers any lot having a lot depth of less than 125' to be a substandard lot. Similarly, the 100' substandard lot depth of 832 W. Cullerton is not a condition applicable, generally, to other property in the RT-4 zoning classification. As very credibly testified to by Mr. Hanna, the requested variations for all four properties are necessary because the properties lack an additional 25' feet in lot depth. Moreover, the fact 826 W. Cullerton abuts a RT-4 zoning district is also not a condition which is generally applicable to property within the C1-2 zoning classification.

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

The purpose of the variations are not based exclusively upon a desire to make more money out of the properties but are also driven by the Applicant's desire to provide more family friendly residential units in Pilsen so that Pilsen can continue to revitalize. The ZONING BOARD OF APPEALS finds Mr. McClean's testimony very credible on this point.

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

As testified to by Mr. Kisiel, this area of Chicago was developed pre-Chicago fire and pre-Chicago Zoning Ordinance. Therefore, the 100' substandard lot depths of 816, 822, 826 and 832 W. Cullerton were not created by any person presently having an interest in the properties.

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

The variations will allow for new construction on long vacant properties. Further, the variations will allow for buildings that will fit in with the surrounding area with respect to their heights and how they sit on their respective properties. They will, therefore, not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

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

As noted above, the variations will allow for buildings that will fit in with the surrounding area with respect to their heights and how they sit on their respective properties. They will, therefore, not impair an adequate supply of light and air to adjacent properties. Further, since the variations will allow for at least a one-to-one parking space per dwelling unit to be maintained, the variations will not

increase congestion in the public streets. The variations will not increase the danger of fire or endanger the public safety as the proposed buildings will still maintain an adequate space apart from other improvements in the area. The variations will not substantially diminish or impair property values within the neighborhood as they will allow for new residential construction on long vacant properties.

#### IV. CONCLUSION

For all of these reasons, the ZONING BOARD OF APPEALS finds that the Applicant has not proved its case by evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, covering the specific criteria for a special use pursuant to Section 17-13-0905-A of the Chicago Ordinance for the property located at 816 W. Cullerton.

For all of these reasons, the ZONING BOARD OF APPEALS finds that the Applicant has proved its case by evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, covering: (1) the specific criteria for a special use pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance for the properties located at 822 and 826 W. Cullerton; and (2) the specific criteria for a variation pursuant to Sections 17-13-1107-A, B and C of the Chicago Zoning Ordinance for the properties located at 816, 822, 826 and 832 W. Cullerton.

The ZONING BOARD OF APPEALS hereby denies the Applicant's application for a special use with respect to the property at 816 W Cullerton.

The ZONING BOARD OF APPEALS hereby approves the Applicant's applications for special uses with respect to the properties at 822 and 826 W. Cullerton, and pursuant to the authority granted to the ZONING BOARD OF APPEALS by Section 17-13-906 of the Chicago Zoning Ordinance, the Zoning Administrator is authorized to permit said special uses subject to the following condition:

1. The development shall be consistent with the design and layout of the plans and drawings dated May 18, 2018, prepared by Hanna Architects.

The ZONING BOARD OF APPEALS hereby approves the Applicant's applications for variations with respect to the properties located at 816, 822, 826 and 832 W. Cullerton.

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:** Go! Grocer Pine Grove

**CAL NO.:** 244-18-Z

**APPEARANCE FOR:** Alez Kosyla

**MINUTES OF MEETING:**  
June 15, 2018

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 3930 N. Pine Grove Avenue

**NATURE OF REQUEST:** Application for an appeal of the office of the Zoning Administrator in refusing to allow a 48 square foot on-premise sign in an RM-6 zoning district. Pursuant to section 17-12-092 a residential support service is allowed one sign per ground floor business establishment with a MAXIMUM sign face of 16 square feet. As submitted, the sign face area in the permit application is exceeded by 32 square feet.

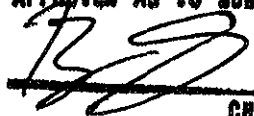
**ACTION OF BOARD-  
VARIATION WITHDRAWN**

**THE VOTE**

JUL 23 2018  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
X		

**APPROVED AS TO SUBSTANCE**  
  
**CHAIRMAN**

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

APPLICANT: Parsa Condominium Corporation

CAL NO.: 246-18-Z

PEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:  
June 15, 2018

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4840 N. Sheridan Road

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 30' to 2' for a proposed four -car garage accessory to an existing four-story, three dwelling unit building to be converted to a four dwelling unit building.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

**JUL 23 2018**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

BLAKE SERCYE  
SHAINA DOAR  
SOL FLORES  
SAM TOIA  
AMANDA WILLIAMS

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
X		

**THE RESOLUTION:**

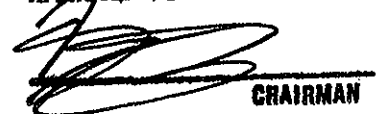
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on June 15, 2018 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 1, 2018; and

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

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

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**