

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

APPLICANT: William Norwood

CAL NO.: 289-14-S

APPEARANCE FOR: Same

DATE OF MEETING:
August 15, 2014

APPEARANCE AGAINST: None

PREMISES AFFECTED: 7140 South Ashland Avenue

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
		X
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 15, 2014, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 31, 2014; and

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

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

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: David Castro **CAL NO.:** 290-14-S
APPEARANCE FOR: Same **DATE OF MEETING:**
August 15, 2014
APPEARANCE AGAINST: None
PREMISES AFFECTED: 13308 South Baltimore Avenue

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

	AFFIRMATIVE	NEGATIVE	ABSENT
JONATHAN SWAIN	X		
CATHERINE BUDZINSKI			X
SOL FLORES	X		
SHEILA O'GRADY	X		
SAM TOIA	X		

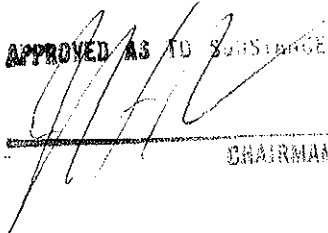
THE RESOLUTION:

WHEREAS, a public hearing was held, on this application by the Zoning Board of Appeals at its regular meeting held on August 15, 2014, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 31, 2014; and

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

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

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

APPROVED AS TO SUBSTANCE


 CHAIRMAN

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

APPLICANT: Patrick Coleman

CAL NO.: 291-14-Z

APPEARANCE FOR: Same

DATE OF MEETING:
August 15, 2014

APPEARANCE AGAINST: None

PREMISES AFFECTED: 10315 S. Ridgeway

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the front yard setback from 20' to 12' for a proposed covered front porch being added to an existing 1-story single-family residence.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

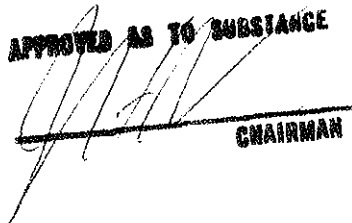
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 15, 2014, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 31, 2014; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the front yard setback to 12' for a proposed covered front porch being added to an existing 1-story single-family residence; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Ruben Orta

CAL NO.: 292-14-Z

APPEARANCE FOR: Mark Kupiec

DATE OF MEETING:
August 15, 2014

APPEARANCE AGAINST: None

PREMISES AFFECTED: 6161 North Neola Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the south side yard setback from 5' to 3'; to reduce the north side yard setback from 5' to 2.5'; to reduce the combined side yard setback from 15' to 5.5'; and, to reduce the rear yard setback from 28' to 18.42' for a proposed second floor dormer, a two-story rear addition and an attached, one-car garage to an existing 1.5 story single family residence.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

SEP 22 2014
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

THE RESOLUTION:

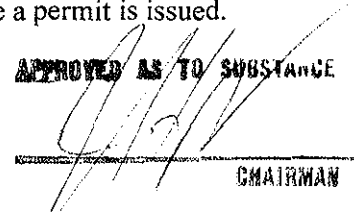
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 15, 2014, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 31, 2014; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the south side yard setback to 3', the north side yard setback to 2.5', the combined side yard setback to 5.5'; and, to reduce the rear yard setback from 28' to 18.42' for a proposed second floor dormer, a two-story rear addition and an attached, one-car garage to an existing 1.5 story single family residence; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE



CHAIRMAN

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



SEP 22 2014

CITY OF CHICAGO

Luke Molloy and Suzanne Yoon

APPLICANTS

293-14-Z

CALENDAR NUMBER

2122 West Superior Street

PREMISES AFFECTED

August 15, 2014

HEARING DATE

Pro Se

APPEARANCE FOR APPLICANTS

NO OBJECTORS

NATURE OF REQUEST

Application for a variation to reduce the front yard setback from 34.27' to 0'; to reduce the east side yard setback from 4.8' to 0'; to reduce the west side setback from 4.8' to 0'; to reduce the combined side yard setback from 12' to 0'; and, to reduce the rear yard setback from 34.16' to 2.89' for a proposed one-story front porch and two-story, rear addition connecting an existing, two-story single family residence with an existing, two-story rear coach house; an 8' high iron fence will be established in the front yard and 7' high iron fences will be established in the side and rear yards; the existing, detached two-car garage will remain.

ACTION OF BOARD

THE VOTE

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

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

AFFIRMATIVE	NEGATIVE	ABSENT
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

THE RESOLUTION OF THE BOARD

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on August 15, 2014, after due notice thereof as provided under Section 17-13-0107-B of this Chicago Zoning Ordinance ("Zoning Ordinance") and by publication in the *Chicago Sun-Times*; and

WHEREAS, Mr. Luke Molloy, one of the Applicants, summarized the facts of the history of the affected property and explained the underlying basis for the relief sought; that he is the owner of the subject property; that he is trying to get a setback reduction at

APPROVED AS TO SUBSTANCE


CHAIRMAN

the subject property for: (1) a one-story front porch; and (2) a two-story rear addition connecting a coach house; and (3) an iron fence; and

WHEREAS, Mr. John Joyce, testified on behalf of the Applicants; that he is the Applicants' architect; that the existing house of the subject property already has a two-story rear addition that connects to the existing two-story coach house; that this addition was not done legally; that the Applicants will tear down this illegal addition and rebuild a rear-two story addition that links to the coach house; that said new addition will reestablish residential use on the top floor of the coach house but will leave parking on the first floor of the coach house; that the subject property will keep the existing, two-car detached garage; that the front porch of the existing house is built over over the subject property's lot line; that the Applicants will remove this porch and build a new porch and stair that stays on the subject property; that the request regarding the fence is due to the grading at the subject property; that because of said grading, a standard 6' fence will only grant 4' 8" fence for security; that therefore, the Applicants are requesting 8' and 7' fences which, when taking into account the subject property's grading, will grant a 6' fence; that said fences will be made up of 4" steel, vertical bars attached to a steel plate that will be affixed to the existing limestone curb; that when walking from different angles, said fences will look opaque; that when looking at said fences straight on, said fences will be no different than any other picket fence on a 4.5" center; that the fence will maintain the 4" maximum spacing allowed by this Zoning Ordinance; and

WHEREAS, in response to questions by the Board, Mr. Joyce further testified that the door in the fence will be opaque; that there will be an intercom system; that the door will be the same height as the fence; that it is possible to make the door similar to the fence; and

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

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

1. The Board finds that pursuant to 17-13-1107-A the Applicants have proved their case by testimony and other evidence that a practical difficulty and particular hardship exists regarding the proposed use of the subject property should the requirements of this Zoning Ordinance be strictly complied with, and, further, the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance;
2. The Board finds that pursuant to 17-13-1107-B that the Applicants have proved by testimony and other evidence that: (1) whether or not the property can yield a

reasonable return is not material as the Applicants intend to continue to own and reside at the subject property; (2) the practical difficulty or particular hardship of the property is due to current improvements of the subject property, namely the illegal, non-conforming rear addition to the house and the current front porch, as well as the current grading of the subject property; and (3) the variation, if granted, will not alter the essential character of the neighborhood as the new rear addition and front porch will replace illegal, nonconforming improvements with legal, conforming improvements;

3. The Board, in making its determination pursuant to 17-13-1107-C that a practical difficulty or particular hardship exists, took into account that evidence was presented that: (1) the current improvements and grading at the subject property result in particular hardship to the Applicants were the strict letter of this Zoning Ordinance carried out; (2) the current improvements and grading at the subject property is not a condition generally applicable to a RS-3 Zoning District; (3) as the Applicants will continue to reside at the subject property, profit is not the sole motive for the application; (4) the Applicants did not create the hardship in question; (5) the variation being granted will not be detrimental to the public welfare or injurious to other property as the Applicants are removing illegal improvements to the subject property and adding legal improvements; and (6) the variation will not impair an adequate supply of light or air to the neighboring properties as the reduced rear yard already exists on the subject property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

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

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

1. The door in the fence shall be made of the same material as the fence.

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: Ner Tamid Ezra Habonim Egalitarian Minyan
Of West Rogers Park

CAL NO.: 294-14-S

APPEARANCE FOR: Lawrence Moss

DATE OF MEETING:
August 15, 2014

APPEARANCE AGAINST: None

PREMISES AFFECTED: 7311-13- North Western Avenue

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a temporary, 72-seat religious assembly facility with a 9-car parking lot.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

THE RESOLUTION:

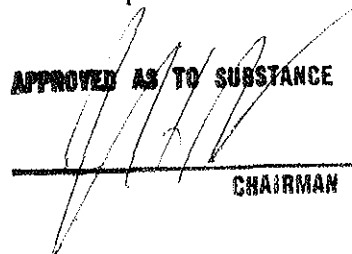
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 15, 2014, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 31, 2014; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a temporary, 72-seat religious assembly facility with a 9-car parking lot; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The Department of Planning and Development recommends approval of the proposed temporary, 72-seat religious assembly facility with a 9-car parking lot, subject to the lease between Ner Tamid Ezra Habonim Egalitarian Minyan of West Rogers Park and Theodore and Katherine Paulos, dated March 31, 2014

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

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

APPLICANT: Filemon Ramirez **CAL NO.:** 295-14-Z
APPEARANCE FOR: Same **DATE OF MEETING:**
August 15, 2014
APPEARANCE AGAINST: None
PREMISES AFFECTED: 4117-25 South Kedzie Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval of a public place of amusement license for an existing banquet hall located within 125' of an RS-3 Residential Single-Unit (Detached House) District.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

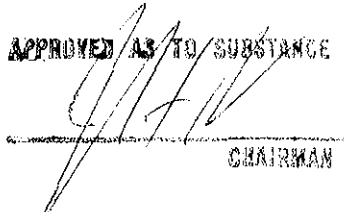
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 15, 2014, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 31, 2014; and

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

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

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

APPROVED AS TO SUBSTANCE


 CHAIRMAN

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

APPLICANT: Samuel Linares

CAL NO.: 296-14-S

APPEARANCE FOR:

DATE OF MEETING:

August 15, 2014

APPEARANCE AGAINST:

PREMISES AFFECTED: 2844-46 West Cermak Road

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of an 18-space, off-site, non-required accessory parking lot along a pedestrian street to serve an existing restaurant located at 2834 West Cermak Road.

ACTION OF BOARD-

WITHDRAWN ON MOTION OF THE APPLICANT

THE VOTE

SEP 30 2014
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Samuel Linares

CAL NO.: 297-14-Z

APPEARANCE FOR:

DATE OF MEETING:
August 15, 2014

APPEARANCE AGAINST:

PREMISES AFFECTED: 2844-46 West Cermak Road

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval of a curb cut along a pedestrian street allowing access to an 18-space, off-site, non-required accessory parking lot to serve an existing restaurant located at 2834 West Cermak Road.

ACTION OF BOARD:
WITHDRAWN ON MOTION OF THE APPLICANT

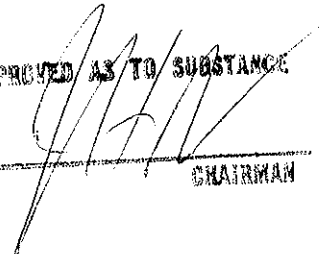
THE VOTE

SEP 30 2014

CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Dusan Oppelt **CAL NO.:** 298-14-S
APPEARANCE FOR: Tom Pikarski **DATE OF MEETING:**
August 15, 2014
APPEARANCE AGAINST: None
PREMISES AFFECTED: 3021 North Broadway

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

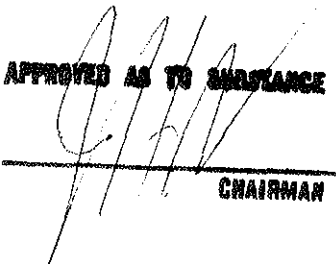
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 15, 2014, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 31, 2014; and

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

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

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Bana & Rocky Inc.

CAL NO.: 299-14-S

APPEARANCE FOR: Tom Moore

DATE OF MEETING:
August 15, 2014

APPEARANCE AGAINST: None

PREMISES AFFECTED: 7101 West Belmont Avenue

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

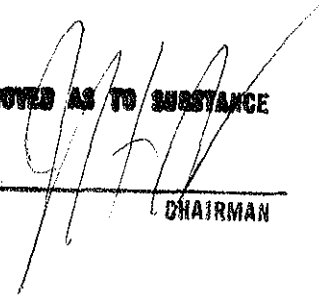
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 15, 2014, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 31, 2014; and

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

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

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


APPROVED AS TO SUBSTANCE

 CHAIRMAN

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

APPLICANT: Nasee Yehuda

CAL NO.: 300-14-S

APPEARANCE FOR: Tom Moore

DATE OF MEETING:
August 15, 2014

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2429 West Madison Avenue

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

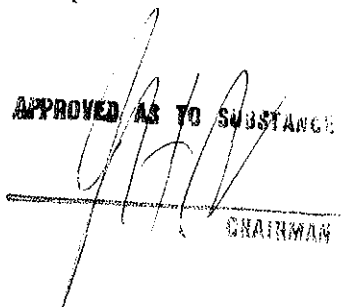
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 15, 2014, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 31, 2014; and

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

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

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

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Robert & Kimberly Jacobsen

CAL NO.: 301-14-Z

APPEARANCE FOR: Tom Moore

DATE OF MEETING:
August 15, 2014

APPEARANCE AGAINST: None

PREMISES AFFECTED: 11017 South Whipple Street

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the north side yard setback from 4' to 3.25'; to reduce the south side yard setback from 4' to 3.25'; and, to reduce the combined side yard setback from 11.25' to 6.5' for a proposed two-story, single family residence with an a rear, one-story, open deck and an attached, front, two car-garage with a driveway and a curb cut on South Whipple Street; the existing , rear, two-car garage will be converted to an accessory storage building.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 15, 2014, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 31, 2014; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the north side yard setback to 3.25'; to reduce the south side yard setback to 3.25'; and, to reduce the combined side yard setback to 6.5' for a proposed two-story, single family residence with an a rear, one-story, open deck and an attached, front, two car-garage with a driveway and a curb cut on South Whipple Street; the existing , rear, two-car garage will be converted to an accessory storage building; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: The Catholic Bishop of Chicago

CAL NO.: 302-14-Z

APPEARANCE FOR: Thomas Moore

DATE OF MEETING:
August 15, 2014

APPEARANCE AGAINST: None

PREMISES AFFECTED: 690-740 West Belmont Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the rear yard setback from 49.76' to 0' for a proposed two-story addition to an existing two-story school.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

	AFFIRMATIVE	NEGATIVE	ABSENT
JONATHAN SWAIN	X		
CATHERINE BUDZINSKI			X
SOL FLORES	X		
SHEILA O'GRADY	X		
SAM TOIA	X		

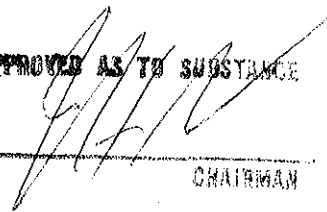
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 15, 2014, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 31, 2014; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear yard setback to zero for a proposed two-story addition to an existing two-story school; 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: 3506 Hospitality, LLC

CAL NO.: 303-14-S

APPEARANCE FOR:

DATE OF MEETING:
August 15, 2014

APPEARANCE AGAINST:

PREMISES AFFECTED: 3506-14 North Clark Street

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a 3,052 square foot, outdoor, rooftop patio on the second floor of an existing restaurant.

ACTION OF BOARD-
CASE CONTINUED TO DECEMBER 19, 2014

THE VOTE

SEP 30 2014
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: 3606 Hospitality LLC

CAL NO.: 304-14-S

APPEARANCE FOR:

DATE OF MEETING:
August 15, 2014

APPEARANCE AGAINST:

PREMISES AFFECTED: 3466 North Clark Street

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a 5-space, off-site, required, accessory parking lot to serve an existing restaurant located at 3506-14 North Clark Street.

ACTION OF BOARD-

CASE CONTINUED TO DECEMBER 19, 2014

THE VOTE

SEP 30 2014
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 3506 Hospitality LLC

CAL NO.: 305-14-S

APPEARANCE FOR:

DATE OF MEETING:
August 15, 2014

APPEARANCE AGAINST:

PREMISES AFFECTED: 3458 North Clark Street

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a 17-space, off-site, required, accessory parking lot to serve an existing restaurant located at 3506-14 North Clark Street.

ACTION OF BOARD:
CASE CONTINUED TO DECEMBER 19, 2014

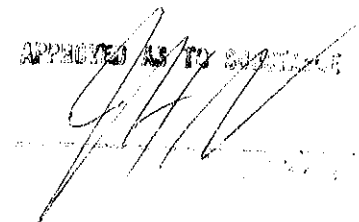
THE VOTE

SEP 30 2014
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

APPROVED AS TO SUBSTANCE



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

APPLICANT: 1549 NNP, LLC **CAL NO.:** 306-14-S
APPEARANCE FOR: Thomas Moore **DATE OF MEETING:**
August 15, 2014
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1549 N. North Park Avenue

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

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

AFFIRMATIVE	NEGATIVE	ABSENT
		X
		X
X		
X		
X		

THE RESOLUTION:

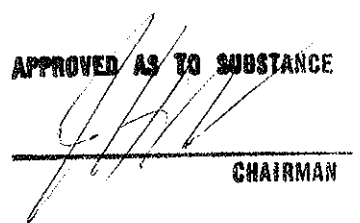
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 15, 2014, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 31, 2014; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The Department of Planning and Development recommends approval of the proposed residential use below the second floor of a proposed three-story, three-unit building with an attached, rear, three-car garage.

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: 1549 NNP LLC **CAL NO.:** 307-14-Z
APPEARANCE FOR: Thomas Moore **DATE OF MEETING:**
August 15, 2014
APPEARANCE AGAINST: None
PREMISES AFFECTED: 1549 N. North Park Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the rear yard setback from 30' to 9' and to reduce the south side yard setback from 2' to 0' for a proposed three-story, three-unit building with an attached, rear, three-car garage.

**ACTION OF BOARD-
VARIATION GRANTED**

THE VOTE

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

AFFIRMATIVE	NEGATIVE	ABSENT
		X
		X
X		
X		
X		

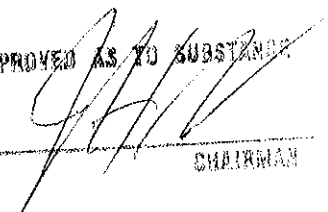
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 15, 2014, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 31, 2014; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; a special use was granted to this location in Cal. No. 306-14-S to permit residential use below the second floor; the applicant shall also be permitted to reduce the rear yard setback to 9' and to reduce the south side yard setback to 0' for a proposed three-story, three-unit building with an attached, rear, three-car garage; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE


 CHAIRMAN

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

APPLICANT: 441 Briar Owner, LLC
APPEARANCE FOR: Mark Kupiec
APPEARANCE AGAINST: None
PREMISES AFFECTED: 441 West Briar Place

CAL NO.: 308-14-Z

DATE OF MEETING:
 August 15, 2014

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the setback from the front building line from 20' to 11.83' for a proposed access stairwell serving a proposed open roof deck on an existing four-story, four-unit building with four partially below-grade, rear parking spaces accessed from W. Briar Place.

ACTION OF BOARD-
 VARIATION GRANTED

THE VOTE

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

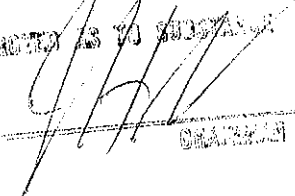
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 15, 2014, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 31, 2014; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the setback from the front building line to 11.83' for a proposed access stairwell serving a proposed open roof deck on an existing four-story, four-unit building with four partially below-grade, rear parking spaces accessed from W. Briar Place; 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: Stellar Wine Company LLC

CAL NO.: 309-14-S

APPEARANCE FOR: Mark Kupiec

DATE OF MEETING:
August 15, 2014

APPEARANCE AGAINST: None

PREMISES AFFECTED: 820 West Belmont Avenue

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a wine shop for the sale of liquor as a packaged good.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

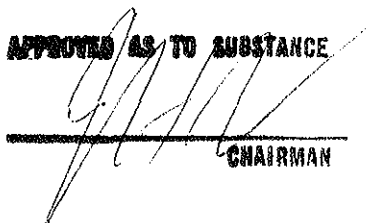
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 15, 2014, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 31, 2014; and

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

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

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



JJB Ventures Inc./DBA Salons by JC

APPLICANT

310-14-S & 311-14-S
CALENDAR NUMBERS

2860 North Broadway

PREMISES AFFECTED

August 15, 2014

HEARING DATE

Patrick Turner

APPEARANCE FOR APPLICANT

NO OBJECTORS

NATURE OF REQUESTS

Application for a special use to establish a massage salon.

Application for a special use to establish a beauty and nail salon.

ACTION OF BOARD

THE VOTE

The applications for both special uses are approved subject to the conditions specified in this resolution.

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

AFFIRMATIVE	NEGATIVE	ABSENT
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

THE RESOLUTION OF THE BOARD

WHEREAS, public hearings were held on these applications by the Zoning Board of Appeals ("Board") at its regular meeting held on August 15, 2014, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance ("Zoning Ordinance") and by publication in the *Chicago Sun-Times*; and

WHEREAS, Mr. Patrick Turner, counsel for the Applicant, summarized the facts of the history of the affected property and explained the underlying basis for the relief sought; that the subject property is a 10,680 square foot, second-floor space; that in said space the Applicant will provide suites for individual salon professionals; that each salon professional can customize and build out its space to his or her liking; that the subject property is zoned B3-2 and located within an existing shopping center; that said shopping center currently houses Bed, Bath & Beyond, T.J. Maxx, and Worldwide Express; that the special uses will allow massage therapists to operate on the subject property as well as to allow beauty and nail salon uses; that the Applicant has agreed with both Alderman

APPROVED AS TO SUBSTANCE


CHAIRMAN

Tunney and the local chamber of commerce to restrict the number of nail salon suites at the subject property to no more than ten percent (10%); that if the Board chooses to make such a restriction a condition of the special uses, the Applicant would "be okay" with it; and

WHEREAS, Mr. Lawrence Okrent testified on behalf of the Applicant; that his credentials as an expert in land planning were acknowledged by the Board; that he has physically inspected the subject property and its surrounding area; that his findings are contained in his report on the subject property; his report was submitted and accepted by the Board; that his report fully addresses all of the criteria identified in the Zoning Ordinance which must be addressed in support of such an application, and he orally testified that the proposed special uses: (1) comply with all applicable standards of the Zoning Ordinance; (2) are in the interest of the public convenience and will have no adverse impact on the surrounding neighborhood; (3) are compatible with the character of the surrounding area in terms of site planning and building scale and project design; (4) 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; (5) and will promote pedestrian safety and comfort; and

WHEREAS, Mr. Robert Lang testified on behalf of the Applicant; that he is the Applicant's principal; that he is fine with the ten percent nail salon (10%) restriction; that the hours of operation of the proposed facility would be: Tuesday – Saturday, 9:00 AM – 6:00/7:00 PM; that the Applicant will employ one (1) employee to act as a concierge/property manager; that there will be approximately fifty (50) salon professionals; that there will be fifty-three (53) salon suites; that the concierge/property manager will be himself and his wife; that the Applicant might add another person to act as concierge/property manager part-time; that he and his wife will be on-site for this concierge/property manager position; that neither he nor his wife have a background in cosmetology or massage; that as this is a franchise operation, he and his wife gone through detailed training; and

WHEREAS, the staff of the Department of Planning and Development recommended approval of the proposed massage salon provided than an unobstructed view is maintained through the front door and windows from the public right-of-way into the facility; and

WHEREAS, the staff of the Department of Planning and Development further recommended approval of the proposed beauty and nail salon; now, therefore;

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

I. The proposed special uses comply with all applicable standards of this Zoning Ordinance;

2. The proposed special uses are in the interest of the public convenience because they will provide the public with additional choices for personal services such as hair, nails, and massage;
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 because the proposed special uses are business uses and will be located within an existing shopping center;
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 because the Applicant will be located on the second floor of an existing shopping center, which currently houses Bed, Bath & Beyond, T.J. Maxx, and Worldwide Express;
5. The proposed special uses are designed to promote pedestrian safety and comfort because, again, the Applicant will be located on the second floor of an existing shopping center.

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

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

1. The Applicant shall ensure that an unobstructed view is maintained through the front door and windows from the public right-of-way into the facility;
2. The number of nail salon suites at the subject property shall be restricted to no more than ten percent (10%) of the total floor area of the subject property.

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: First Transit, Inc. **CAL NO.:** 312-14-S
APPEARANCE FOR: Wes Broquard **DATE OF MEETING:** August 15, 2014
APPEARANCE AGAINST: None
PREMISES AFFECTED: 4101-4111 South Union Avenue/629-59 West 41st Street

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a 175 space non-required, accessory parking lot to serve a major utility transit dispatch, maintenance, service and storage facility for the Regional Transportation Authority's Pace para-transit service located at 615 West 41st Street.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

	AFFIRMATIVE	NEGATIVE	ABSENT
JONATHAN SWAIN	X		
CATHERINE BUDZINSKI			X
SOL FLORES	X		
SHEILA O'GRADY	X		
SAM TOIA	X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 15, 2014, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 31, 2014; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a 175 space non-required, accessory parking lot to serve a major utility transit dispatch, maintenance, service and storage facility for the Regional Transportation Authority's Pace para-transit service located at 615 West 41st Street ;expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The Department of Planning and Development recommends approval of the proposed 175 space, non-required, accessory parking lot to serve a major utility transit dispatch, maintenance, service and storage facility for the Regional Transportation Authority's Pace para-transit service located at 615 West 41st Street.

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

APPROVED AS TO SUBSTANCE

[Signature]

 CHAIR

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

APPLICANT: By the Hand Club for Kids
And Chicago Education Partnership

CAL NO.: 313-14-S

APPEARANCE FOR: Daniel Kraft

DATE OF MEETING:
August 15, 2014

APPEARANCE AGAINST: None

PREMISES AFFECTED: 416 North Laramie Avenue

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of an elementary school (kindergarten through 5th grade only).

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

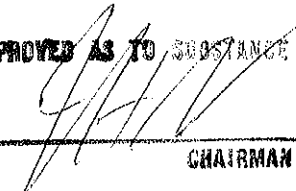
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 15, 2014, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 31, 2014; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The Department of Planning and Development recommends approval of the proposed elementary school (kindergarten through 5th grade only) provided the development is established consistent with the design, layout, materials and plans prepared by Team A and dated July 21, 2014.

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: By The Hand Club For Kids
And Chicago Education Partnership

CAL NO.: 314-14-S

APPEARANCE FOR: Daniel Kraft

DATE OF MEETING:
August 15, 2014

APPEARANCE AGAINST: None

PREMISES AFFECTED: 400-02 North Laramie Avenue

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a 22-space, off-site, accessory parking lot to serve the proposed elementary school to be located at 416 North Laramie Avenue.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

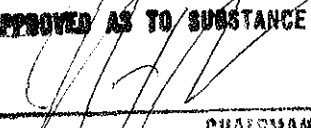
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 15, 2014, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 31, 2014; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a 22-space, off-site, accessory parking lot to serve the proposed elementary school to be located at 416 North Laramie Avenue ;expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The Department of Planning and Development recommends approval of the proposed 22-space, off-site, accessory parking lot to serve the proposed elementary school to be located at 416 North Laramie Avenue provided the development is established consistent with the design, layout and plans prepared by Team A and dated July 21, 2014.

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Amigo Meat and Poultry, LLC/DBA Amigo Foods

CAL NO.: 315-14-Z

APPEARANCE FOR:

DATE OF MEETING:

August 15, 2014

APPEARANCE AGAINST:

PREMISES AFFECTED: 5113-43 S. Millard Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the front yard setback from 20' to 8' for a proposed, two-story, approximately 41,000 square foot, manufacturing facility.

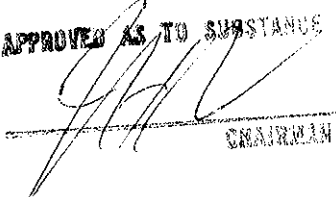
ACTION OF BOARD-

CASE CONTINUED TO OCTOBER 17, 2014

THE VOTE

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Bethel Apostolic Church **CAL NO.:** 316-14-S
APPEARANCE FOR: Larry Booth **DATE OF MEETING:**
August 15, 2014
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2122 West 79th Street

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a 240-seat religious assembly facility.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		


THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 15, 2014, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 31, 2014; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a 240 seat religious assembly; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The Department of Planning and Development recommends approval of the proposed 240-seat religious assembly facility.

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: Donna Mohamed and Katherine Nguyen
DBA/ Revamp Nails

CAL NO.: 317-14-S

APPEARANCE FOR: Sara Barnes

DATE OF MEETING:
August 15, 2014

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4717 North Lincoln Avenue

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

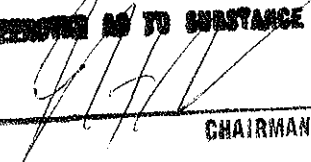
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 15, 2014, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 31, 2014; and

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

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

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 1932 W. Irving Park, LLC

CAL NO.: 318-14-Z

APPEARANCE FOR: Nick Ftikas

DATE OF MEETING:

August 15, 2014

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1932 West Irving Park Road

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the 3,000 square foot minimum lot area by no than 0% (to 2,954.8 square feet) for a proposed four-story, three-unit building with ground floor commercial space, two below-grade parking spaces and two, rear, surface parking spaces.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

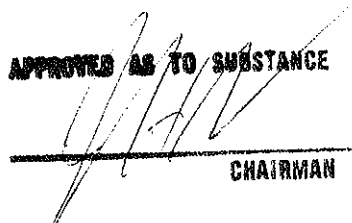
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 15, 2014, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 31, 2014; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the 3,000 square foot minimum lot area by no than 0% (to 2,954.8 square feet) for a proposed four-story, three-unit building with ground floor commercial space, two below-grade parking spaces and two, rear, surface parking spaces; 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: 4245 Milwaukee Corp.

CAL NO.: 319-14-S

APPEARANCE FOR:

DATE OF MEETING:

August 15, 2014

APPEARANCE AGAINST:

PREMISES AFFECTED: 4245 North Milwaukee Avenue

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a drive-through window for an existing restaurant.

ACTION OF BOARD-

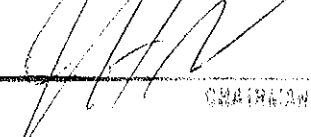
CASE CONTINUED TO OCTOBER 17, 2014

THE VOTE

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

APPROVED AS TO SUBSTANCE



CATHERINE BUDZINSKI

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

APPLICANT: The Greenview Trust, dated August 29, 2013 **CAL NO.:** 320-14-Z

APPEARANCE FOR: Sara Barnes **DATE OF MEETING:** August 15, 2014

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3720 North Greenview Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the north side yard setback from 5' to 3.95' and reduce the rear yard setback from 34.61' to 19.32' for a proposed, rear, one-story addition to an existing three-story single family residence and to expand an existing detached, three-car garage to allow a fourth car and the establishment of an adjoining tool shed and to connect the garage to the residence.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

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

	AFFIRMATIVE	NEGATIVE	ABSENT
JONATHAN SWAIN	X		
CATHERINE BUDZINSKI			X
SOL FLORES	X		
SHEILA O'GRADY	X		
SAM TOIA	X		

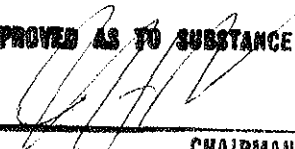
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 15, 2014, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 31, 2014; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the north side yard setback to 3.95' and reduce the rear yard setback to 19.32' for a proposed, rear, one-story addition to an existing three-story single family residence and to expand an existing detached, three-car garage to allow a fourth car and the establishment of an adjoining tool shed and to connect the garage to the 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: East Room, Inc.

CAL NO.: 211-14-Z

APPEARANCE FOR: Nick Ftikas

MINUTES OF MEETING:

August 15, 2014

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2354 N. Milwaukee Avenue

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

ACTION OF BOARD-
CASE CONTINUED TO AUGUST 15, 2014

THE VOTE

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

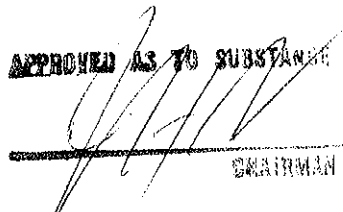
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 15, 2014, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 31, 2014; and

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

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

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Matthew Kron

CAL NO.: 213-14-Z

APPEARANCE FOR: Same

MINUTES OF MEETING:
August 15, 2014

APPEARANCE AGAINST: None

PREMISES AFFECTED: 7640 West Summerdale Avenue

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the front yard setback from 20' to 13.3'; to reduce the east side yard setback from 4' to 3.5'; and, to reduce the combined side yard setback from 12' to 8.82' for a proposed open front porch and a rear, two-story addition to an existing two-story single-family residence with a detached two-car garage.

ACTION OF BOARD-
VARIATION GRANTED

THE VOTE

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

THE RESOLUTION:

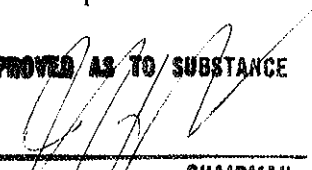
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 15, 2014, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 5, 2014; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the front yard setback to 13.3'; to reduce the east side yard setback to 3.5'; and, to reduce the combined side yard setback to 8.82' for a proposed open front porch and a rear, two-story addition to an existing two-story single-family residence with a detached two-car garage; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

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

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

APPLICANT: Jihyun Kim Living Trust

CAL NO.: 223-14-Z

APPEARANCE FOR:

MINUTES OF MEETING:
August 15, 2014

APPEARANCE AGAINST:

PREMISES AFFECTED: 1538 North Dearborn Street

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the rear yard setback from 41.72' to 23.23' for a proposed rear, one-story walkway connecting a rear, open deck to an existing three-story single family residence with a rear, second floor deck and to an existing garage with a rooftop deck.

ACTION OF BOARD-
CASE CONTINUED TO NOVEMBER 21, 2014

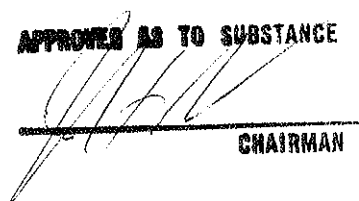
THE VOTE

SEP 30 2014
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

APPLICANT: 1435 Wells, LLC

CAL NO.: 219-14-Z

APPEARANCE FOR:

MINUTES OF MEETING:
August 15, 2014

APPEARANCE AGAINST:

PREMISES AFFECTED: 1435 North Wells Street

NATURE OF REQUEST: Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the rear yard setback from 30' to 0' and to exceed the allowed height of 50' by not more than 10% to 55' for a proposed five-story, four-unit building with ground floor commercial space and an attached two-car garage.

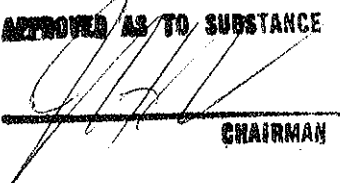
ACTION OF BOARD-
CASE CONTINUED TO OCTOBER 17, 2014

THE VOTE

SEP 30 2014
CITY OF CHICAGO

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 2nd Gen Properties - Pulaski, LLC

CAL NO.: 239-14-S

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:
August 15, 2014

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2035 North Pulaski Road

NATURE OF REQUEST: Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a restaurant with one drive-through lane.

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
RECUSED		

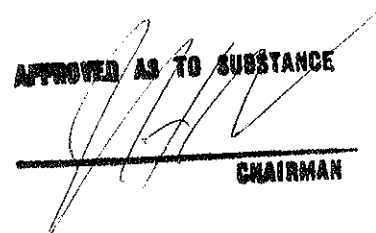
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 15, 2014, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 31, 2014; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The Department of Planning and Development has no objection to the proposed restaurant with one drive-through lane provided the development is established consistent with the design, layout, materials and plans prepared by Atul Karkhanis Architects and dated July 17, 2014.

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

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: JJWK, Inc./DBA Colon Clinic and Wellness Center **CAL NO.:** 251-14-S

APPEARANCE FOR: Paul Kolpak

DATE OF MEETING:
August 15, 2014

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1430 West Belmont Avenue

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

ACTION OF BOARD-
APPLICATION APPROVED

THE VOTE

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

AFFIRMATIVE	NEGATIVE	ABSENT
X		
		X
X		
X		
X		

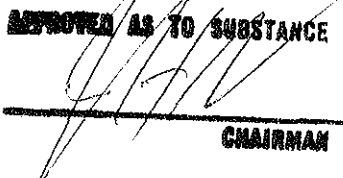
THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on August 15, 2014, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on July 3, 2014; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): The Department of Planning and Development recommends approval of the proposed massage salon provided an unobstructed view is maintained through the front door and windows from the public right-of-way into the facility.

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



SEP 23 2014
CITY OF CHICAGO

Schuyler Levin

APPLICANT

280-14-Z

CALENDAR NUMBER

2141 N. Fremont Street

PREMISES AFFECTED

August 15, 2014

HEARING DATE

Jessica Schramm

APPEARANCE FOR APPLICANT

Robert Rosenberg & Others

OBJECTORS

NATURE OF REQUEST

Application for a variation to reduce the rear yard setback from 35' to 0.5'; to reduce the north side yard setback from 3' to 0'; to reduce the combined side yard setback from 7.5' to 3'; and to reduce the enclosed parking space setback from the rear property line from 2' to 0.5' for a proposed three-story, single-family residence with an attached, rear, three-car garage with a rooftop sports court.

ACTION OF BOARD

THE VOTE

The application for the variation is approved.

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

THE RESOLUTION OF THE BOARD

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on August 15, 2014, after due notice thereof as provided under Section 17-13-0107-B of this Chicago Zoning Ordinance ("Zoning Ordinance") and by publication in the *Chicago Sun-Times*; and

WHEREAS, Mr. Michael Allee, staff member of Alderman Michelle Smith's office, requested a continuance of the case; and

WHEREAS, Mr. Thomas Ramsdell, counsel the Geblorts, also requested a continuance of the case; that the Gelborts are the neighbors next south of the subject property; that his request for a continuance was to allow time for the Applicant and his

APPROVED AS TO SUBSTANCE

CHAIRMAN

clients to finalize a restrictive covenant regarding the subject property; that said restrictive covenant would address many of issues before the Board; that his clients have not had time to hire experts to testify to the economic impact of the Applicant's proposed variations; and

WHEREAS, Ms. Jessica Schramm, counsel for the Applicant, requested that the case be heard as the Applicant believed the plan before the Board today alleviated the Gelborts' concerns; that for the last two-and-a-half months the Applicant has been engaged in discussions with adjacent neighbors; that the plan before the Board addressed all concessions the Applicant is willing to make regarding the Gelborts' concerns; that there was no point in continuing this case as the Applicant is at an impasse with the adjacent neighbors; and

WHEREAS, the Board stated that the case would be heard as restrictive covenants between private parties were outside the purview of the Board; and

WHEREAS, Ms. Schramm summarized the facts of the history of the affected property and explained the underlying basis for the relief sought; that the Applicant and her husband are the owners of the subject property; that she then introduced an amended site plan that addressed the concerns of the Applicant's next south neighbor; that said amended site plan showed a new retaining wall for the subject property as well as an amended landing; and

WHEREAS, Mr. Jonathan Levin, husband of the Applicant testified; that the Applicant had just given birth to their third child and could not be at the hearing; that he and the Applicant purchased the subject property with the intention of constructing a single-family home; that he and the Applicant engaged an architect that drew up plans for a single-family home; that said plans were approved by the City's Department of Buildings ("Buildings") and a standard building permit was issued for the proposed home on May 14, 2013; that the permit description for the permitted work is for a three-story single family residence with a basement and a garage off of the alley; that in accordance with the approved plans and building permit, he and the Applicant completed construction of the home, the garage, the raised rear yard, the steps ascending and descending from the rear raised yard, and the walkway between the home and the garage; that the construction passed all required inspections by Buildings until June 9, 2014; that on such date, he and the Applicant were told there were concerns over the plans; that Buildings requested he and the Applicant meet with the City's Department of Planning and Development ("Zoning"); that at the time of this meeting, the majority of the construction was completed; that at the meeting, Zoning requested he and his wife come before the Board and ask for zoning relief; that he is aware that his southern neighbors are concerned about the proximity of the raised rear yard relative to their home; that to accommodate this concern, he and the Applicant have voluntarily moved the retaining wall in 3' as shown in the amended site plan before the Board; that this change will result in approximately \$10,000 in additional building cost; that prior to beginning construction, he spoke to his southern neighbors, and at the time they did not object to the proposed construction; that in June 2014, the southern neighbors did express concerns but said

concerns have been resolved due to the amended site plan; that he reached out to his northern neighbors but did not receive a response; that he sent the plans for the proposed construction to both the Alderman's office and the Sheffield Neighbors Association; that no concerns were raised at the time; that he has resolved some of the concerns of his northern neighbors but cannot accommodate the request to place the garage further off the alley; that the garage is currently set 6" off of the alley; that to set the garage further off the alley would cost approximately \$80,000 and reduce the functionality of said garage; that the garage and fence that previously sat on the subject property prior to the new construction were also 6" off the of the alley; and

WHEREAS, Mr. Levin further testified that in his opinion, the new garage is no more invasive into the alley than the old garage; that said new garage is keeping in character of the lot; that he is familiar with the alley and the garages off of the alley; that there are thirty-two (32) garages on the block; that sixteen (16) of these garages have a setback of less than 2'; that seven (7) of the garages have a setback of 0' and so said garages do encroach upon the alley; that he has done everything he can to address his neighbors' concerns; that the amended plan before the Board embodies this effort; that if the Board does not approve the variation, the Applicant cannot obtain an amended building permit and, in consequence, the plan of development from the original permit cannot be altered; and

WHEREAS, Mr. Ramsdell, counsel for the Gelborts, explained his clients' position; that the Gelborts reside at 2137 North Fremont, directly south of and adjacent to the subject property; that the amended plan presented by the Applicant to the Board substantially addresses the highest number of impacts to the Gelberts' property caused by the Applicant's newly constructed improvements; that so long as the application is based on the amended plan, the Gelborts support the Applicant's application; and

WHEREAS, Mr. James Stola, counsel for Mr. Robert Rosenberg, explained his client's position; that Mr. Rosenberg objects to the application; that Mr. Rosenberg resides at 2145 N. Fremont, the neighbor next north of the subject property; that Mr. Rosenberg has concerns regarding the sports court on top of the garage; that he did not hear any testimony by Mr. Levin in regards to what hardship the Applicant would suffer should strict compliance to this Zoning Ordinance be required; and

WHEREAS, Ms. Schramm was granted leave to re-examine Mr. Levin; that Mr. Levin further testified that he received a building permit; that he built in accordance with the building permit; that for approximately a year and a half, there was no concern regarding the construction of his home; that prior to starting construction, he attempted to have conversations with his neighbors regarding the proposed home; that he relied upon the building permit in good faith; that but for a sod installation, a stair to the roof, and the sports court atop the garage, the construction is completed; that he spent several million dollars building the house; that if the permit was to be taken away, the garage would need to be torn down for the home to come into compliance with this Zoning Ordinance; that instead, he would like to rely on the original building permit; that he has filed a

declaratory judgment to have the permit be made valid and allow him to obtain a certificate of occupancy; and

WHEREAS, Mr. Stola was granted leave to cross-examine Mr. Levin; that Mr. Levin further testified that he proposes to have a sports court on the roof of the garage at the subject property; that his children will determine what sort of sports will be played on said sports court; that there will be a netting system to protect the children; that with this netting system in place, he has no safety concerns; that the netting system would catch and/or block balls or other objects that would be thrown towards it; that the netting system is eleven feet (11') tall; and

WHEREAS, Mr. Schramm was granted leave to re-examine Mr. Levin; that Mr. Levin further testified that a ball retention system ("netting system") would be installed on top of the garage; that the top of the garage is at 15'; that the garage parapet extends 3' 6"; that the netting system extends 7' 6" above the parapet, making the top of the netting 11' above the roof of the garage; that the netting system has a metal frame with mesh in-between to catch balls; that to hit Mr. Rosenberg's bay window, a ball would have to be thrown about 15' straight ahead and 11' in the air; that the ball retention system was recommended to him by his general contractor; and

WHEREAS, Mr. Stola was again granted leave to cross-examine Mr. Levin; that Mr. Levin further testified that the sports court is for the children; that there will be no golf balls; that he sent a letter to both the north and south neighbors in the spring of 2013; that he and Mr. Rosenberg had talked about getting together to discuss the construction but never got around to it; and

WHEREAS, Mr. Stola stated he had a copy of said letter; that said letter did not discuss a sports court; and

WHEREAS, Ms. Schramm asked to see the letter Mr. Stola had a copy of; that the letter in Mr. Stola's possession was the legal notice required for the Applicant's application to the Board; that the legal notice does describe the sports court; and

WHEREAS, Mr. Stola was granted leave to examine his client Mr. Rosenberg; that Mr. Rosenberg testified that he owns and resides at 2145 N. Fremont; that to the rear of his property, there is a coach house; that said coach house is adjacent to the Applicant's garage; that the bay window of the coach house is approximately 6' away from the Applicant's garage; that when he received the notice for the Applicant's application, said notice did not state the Applicant was building above the garage; that the plans filed by the Applicant with the City did not show anything above the garage's parapet wall; that although a rendition of a sports court was shown, he believed the sports court was being built inside the garage; that two hours ago, he learned from Ms. Schramm that the Applicant planned on putting 7' 6" screens above the garage that would attach to the parapet wall; that he is concerned that the bay window of his coach house is only 6' away from the Applicant's garage; that he is concerned about basketballs shooting towards the coach house; that he is also concerned about the noise; and

WHEREAS, in response to questions by the Board, Mr. Rosenberg further testified that he would have no problem with the Applicant putting a rooftop deck above the garage; that he does not believe a rooftop deck would make the same amount of noise as a basketball court; that he does not believe a rooftop sports center is appropriate for a completely residential neighborhood; that he is not aware of such things; and

WHEREAS, the Board informed Mr. Rosenberg that there are many rooftop sports centers in residential neighborhoods throughout the City; that Board has approved at least four (4) this year alone; and

WHEREAS, Mr. Rosenberg further testified that this particular rooftop sports center would be next to a coach house; that people live in said coach house; that he believes that basketballs being shot at the bay window is inevitable; that this rooftop sports center is not limited to children; that he does not believe the netting system is sufficient, especially in regards to safety; and

WHEREAS, Mr. Stola stated in closing that his client is concerned about safety, the proximity of his coach house to the Applicant's garage, and the fact that the letter sent about the Applicant did not include a description of a sports court on the roof of the garage; and

WHEREAS, Mr. Richard Dufour testified in objection to the application; that he resided at 2138 N. Dayton; that the proposed variation will make it potentially harder for he and his neighbors to access their own garages; that he does not believe that the mistakes regarding the rear and side setbacks were honest mistakes committed by the architect; that as the construction of the Applicant's home and garage took place in violation of zoning requirements, the Applicant's application for a variation should be denied to discourage future violations; that the fact that Buildings missed the zoning violations does not relieve the construction team of complying with the law; that despite Buildings' stop work order, construction continued on the subject property for several weeks; that the previous garage on the property is irrelevant from a zoning standpoint as the purpose of the current setback requirement is to relieve property owners of past insufficient setbacks not perpetuate them; that if the architect and developer misled Mr. Levin, then the architect and the developer should pay to correct the problem with the garage; that the proposed variation does not meet the criteria necessary for a variation as there is no evidence of hardship; that the Applicant's house and garage are a hardship perpetuated against neighboring properties; and

WHEREAS, Ms. Rachel Golstein testified in opposition to the application; that she resides at 2151 N. Fremont and rents a garage three doors down from the subject property; that she is concerned about the process in which the Applicant managed to get a building permit without Buildings doing the proper thing; that now the neighbors are stuck with a building that does not comply; that the neighbors should not bear this burden; that the variation should not be allowed because someone was incompetent or looked the other way; that she does not know who to address regarding this broken

process; that the Applicant built a house where a two-flat used to be; that she is here at 8:00 PM because someone made a bureaucratic mistake; that the neighbors should not have to pay for that mistake; that with the value of the house, \$100,000 to change the mistake is not a whole lot; and

WHEREAS, Alderman Michelle Smith of the 43d Ward testified in opposition to the application; that the Applicant requested a number of administrative adjustments that raised multiple concerns for her office, the Sheffield Neighbors Association, and surrounding neighbors; that she believes both the neighbors and the Applicant operated in good faith but did not understand what the plans specifically showed; that the project is further complicated by the issued building permits; that once Zoning discovered that the building permits were issued in error, she became involved by asking the Applicant and the neighbors to reach a resolution; that she is happy some of the neighbors have reached an accommodation with the Applicant; that despite this, she cannot support the requested rear yard relief for the garage; that this Zoning Ordinance is clear that garages have to be set back 2' from the alley; that the misuse of this Zoning ordinance by the Applicant's experienced architect, developer, and builder – three separate entities – should be been flagged and brought to the attention of both Zoning and Buildings; that the Board should not sanction these errors by the grant of the application; and

WHEREAS, in response to the objectors' testimony, Mr. Levin further testified that he did not believe there was any bad faith in his discussions with Mr. Rosenberg; that he and Mr. Rosenberg had attempted to get together and just never did; that when there was a concern about Mr. Rosenberg's sidewalk, Mr. Rosenberg contacted Mr. Levin; that at the time, Mr. Levin asked Mr. Rosenberg if it had any other concerns about the proposed construction; that in response, Mr. Rosenberg only stated that there were new neighbors to the south of the subject property; that Buildings is going to require that the netting system is secured to the garage and will conduct all requisite inspections; that as his children will be playing there, he has the greatest interest in seeing that the netting system is safe; that the new garage is no more invasive that the old garage at the subject property; that both the Gelhort's garage and Mr. Rosenberg's coach house encroach in the rear setback; that he and the Applicant relied upon a valid permit in building their home; that if Board denies the Applicant's amended plan, the permit cannot be amended; that the Applicant would then have to complete the construction under the original permit; and

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

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

1. The Board finds that pursuant to 17-13-1107-A the Applicant have proved her case by testimony and other evidence that a practical difficulty and particular hardship exists regarding the proposed use of the subject property should the requirements of this Zoning Ordinance be strictly complied with, and, further, the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance;
2. The Board finds that pursuant to 17-13-1107-B that the Applicant has proved by testimony and other evidence that: (1) whether or not the property can yield a reasonable return is not material as the Applicant intends to continue to own and reside at the subject property; (2) the practical difficulty or particular hardship of the property is due to the substantially completed improvements built on the property in reliance upon an improperly issued building permit; and (3) the variation, if granted, will not alter the essential character of the neighborhood as many of the other properties on the block also have a reduced rear setback of 2' or less off of the alley; and
3. The Board, in making its determination pursuant to 17-13-1107-C that a practical difficulty or particular hardship exists, took into account that evidence was presented that: (1) the cost of removing the substantially completed improvements on the property results in particular hardship to the Applicant were the strict letter of this Zoning Ordinance carried out, particularly as the Applicant relied on an improperly issued building permit in constructing said improvements; (2) substantially completed improvements built on an improperly issued building permit is not a condition generally applicable to a RT-4 Zoning District; (3) as the Applicant will continue to reside at the subject property, profit is not the sole motive for the application; (4) the Applicant did not create the hardship in question as the Applicant relied upon an improperly issued building permit when constructing the substantially completed improvements; (5) the variation being granted will not be detrimental to the public welfare or injurious to other property as the improvements are already substantially completed and exist on the subject property; and (6) the variation will not impair an adequate supply of light or air to the neighboring properties as the reduced rear and side yard setbacks already exist on the subject 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 the Applicant has spent several million dollars constructing the home and, in regards to the sports deck, will have a substantial netting system. Furthermore, in regards to the likelihood of the rooftop sports court affecting the bay window of Mr. Rosenberg's coach house, the Board finds Mr. Rosenberg to be not a credible witness. Based on the exhibits shown to the Board, the Board finds it highly improbable that a ball thrown from the rooftop sports court could achieve the angle necessary to hit the bay window.

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

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

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