

**ZBA
RESOLUTIONS
MARCH 19, 2021**

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

MINUTES OF MEETING:

March 19, 2021

Cal. No. 8-20-S

The Applicant Ruben Salgado dba 4630 W. Augusta Inc. presented a written request for an extension of time in which to establish a small venue (banquet hall) on the second floor of an existing two-story building at the subject property 4630 W. Augusta Boulevard. The special use was approved on January 17, 2020 in Cal. No. 8-20-S.

The Applicant's representative, Dean Maragos stated that the Applicant was in the process of obtaining the permits for renovations to the subject property. However, in the last year, this process has been slowed by the pandemic quarantine restrictions for both businesses and government offices.

Chairman Knudsen moved the request be granted and the time for obtaining the necessary permits be extended to February 25, 2022.

THE VOTE

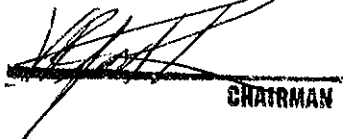
APR 19 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 4/19, 2021.

APPROVED AS TO SUBSTANCE


CHAIRMAN

MINUTES OF MEETING:

March 19, 2021

Cal. No. 64-20-S

The Applicant El Expreso Group, LLC presented a written request for an extension of time in which to establish a Bus turn around (Major Utility) at the subject property 3501 S. California Avenue. The special use was approved on January 17, 2020 in Cal. No. 64-20-S.

The Applicant's representative, Mark Kupiec stated that the Applicant was in the process of obtaining the permits for renovations to the subject property. However, in the last year, this process has been slowed by the pandemic quarantine restrictions for both businesses and government offices.

Prior to the March 19, 2021 Hearing, Mark Kupiec announced that the Applicant was able to obtain the necessary permits and withdrew the request for an extension of time.

THE VOTE

APR 19 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		

APPROVED AS TO SUBSTANCE


CHAIRMAN

APPLICANT: Saul Valdivia CAL NO.: 92-21-Z

APPEARANCE FOR: Same as Applicant MINUTES OF MEETING: March 19, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 11044 S. Avenue F

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 34.68' to 20.19' for a proposed rear two-story addition with an attached two car garage.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

APR 19 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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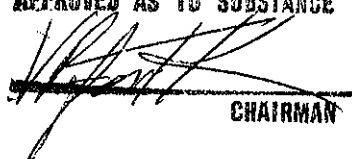
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 19, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on March 4, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear setback to 20.19' for a proposed rear two-story addition with an attached two car garage; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the foresaid 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.

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 4/19, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

APPLICANT: Batter & Berries, LLC

CAL NO.: 93-21-Z

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
March 19, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 5924 W. Chicago Avenue

NATURE OF REQUEST: Application for a variation to establish a public place of amusement license to serve a proposed restaurant with an outdoor patio that is within 125' of a residential zoning district.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

APR 19 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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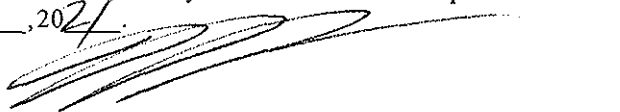
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 19, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on March 4, 2021; and

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

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

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CHAIRMAN

APPROVED AS TO SUBSTANCE

APPLICANT: Supreme Cuts Barber Studio PLLC Cal. No.94-21-S

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
March 19, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 13256 S. Brandon Avenue

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

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE

APR 19 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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THE RESOLUTION:


WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 19, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on March 4, 2021; and

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

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 4/19, 2021

APPROVED AS TO SUBSTANCE

CHAIRMAN

APPLICANT: Rachel and Daniel Sandler

CAL NO.: 95-21-Z

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
March 19, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1957 N. Wilmot Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 28' to 22.5', north side setback from 2' to zero (south to be zero), combined side setback from 4' to zero, rear setback from the garage to the rear property line/ alley from 2' to 1' for a proposed detached two car garage with roof deck, access stair and access bridge.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

APR 19 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 19, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on March 4, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear setback to 22.5', north side setback to zero (south to be zero), combined side setback to zero, rear setback from the garage to the rear property line/ alley to 1' for a proposed detached two car garage with roof deck, access stair and access bridge; an additional variation was granted to the subject property in Cal. No. 96-21-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the foresaid 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.

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 4/19, 2021.

APPROVED AS TO SUBSTANCE

[Signature]
CHAIRMAN

APPLICANT: Rachel and Daniel Sandler

CAL NO.: 96-21-Z

APPEARANCE FOR: Same as Applicant

MINUTES OF MEETING:
March 19, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1957 N. Wilmot Avenue

NATURE OF REQUEST: Application for a variation to relocate the required 130 square feet of rear yard open space to a proposed garage roof deck with access stair and access bridge from the existing single-family residence.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

APR 19 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 19, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on March 4, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to relocate the required 130 square feet of rear yard open space to a proposed garage roof deck with access stair and access bridge from the existing single-family residence; an additional variation was granted to the subject property in Cal. No. 95-21-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: ZSD Madar, LLC

CAL NO.: 97-21-Z

APPEARANCE FOR: Rolando Acosta

MINUTES OF MEETING:

March 19, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 6 N. Carpenter Street

NATURE OF REQUEST: Application for a variation to reduce the required off-street loading spaces from one to zero for a proposed six-story, thirteen dwelling unit building with ground floor commercial use and twenty-four parking spaces.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE


 APR 19 2021
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
 ZURICH ESPOSITO
 BRIAN H. SANCHEZ
 JOLENE SAUL
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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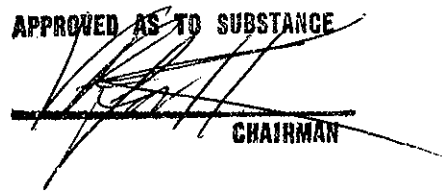
WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the required off-street loading spaces to zero for a proposed six-story, thirteen dwelling unit building with ground floor commercial use and twenty-four parking spaces; a special use was approved for the subject property in Cal. No. 49-21-S; 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

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APPROVED AS TO SUBSTANCE


CHAIRMAN

APPLICANT: ZSD Madar, LLC

CAL NO.: 49-21-S

APPEARANCE FOR: Rolando Acosta

MINUTES OF MEETING:
March 19, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 6 N. Carpenter Street

NATURE OF REQUEST: Application for a special use to establish a six-story, thirteen dwelling unit building with commercial use under 20% of the lot area on the ground floor.

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE

APR 19 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
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SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 19, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on March 4, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a six-story, thirteen dwelling unit building with commercial use under 20% of the lot area on the ground floor; a variation was also granted to the subject property in Cal. No. 97-21-Z; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated March 8, 2021, prepared by SGW Architecture and Design.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 4/19, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

APPLICANT: 3244-50 West Bryn Mawr, LLC

CAL NO.: 98-21-Z

APPEARANCE FOR: Rolando Acosta

MINUTES OF MEETING:
March 19, 2021

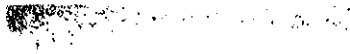
APPEARANCE AGAINST: None

PREMISES AFFECTED: 3244-50 W. Bryn Mawr Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback on floor containing dwelling units from 30' to 3' for a proposed five-story, thirty dwelling unit building with roof top stairway and elevator enclosure, roof deck and attached thirty-car garage with ground floor commercial use.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE



APR 19 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
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BRIAN H. SANCHEZ
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AFFIRMATIVE	NEGATIVE	ABSENT
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WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear setback on floor containing dwelling units to 3' for a proposed five-story, thirty dwelling unit building with roof top stairway and elevator enclosure, roof deck and attached thirty-car garage with ground floor commercial use; an additional variation was granted to the subject property in Cal. No. 99-21-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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

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APPROVED AS TO SUBSTANCE

[Signature]
CHAIRMAN

APPLICANT: 3244-50 West Bryn Mawr, LLC **CAL NO.:** 99-21-Z

APPEARANCE FOR: Rolando Acosta **MINUTES OF MEETING:**

March 19, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3244-50 W. Bryn Mawr Avenue

NATURE OF REQUEST: Application for a variation to reduce the loading requirements from one stall to zero for a proposed five-story thirty dwelling unit building with roof top stairway and elevator enclosure, roof deck and an attached thirty-car garage with ground floor commercial use.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

APR 19 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
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BRIAN H. SANCHEZ
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AFFIRMATIVE	NEGATIVE	ABSENT
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WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 19, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on March 4, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the loading requirements to zero for a proposed five-story thirty dwelling unit building with roof top stairway and elevator enclosure, roof deck and an attached thirty-car garage with ground floor commercial use; an additional variation was granted to the subject property in Cal. No. 98-21-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

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I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 4/19, 2021.

APPROVED AS TO SUBSTANCE

[Signature]
CHAIRMAN

APPLICANT: Shorewind Towers and Court, LLC **CAL NO.:** 100-21-S

APPEARANCE FOR: Rolando Acosta **MINUTES OF MEETING:** March 19, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2344 E. 70th Place

NATURE OF REQUEST: Application for a special use to establish a forty-eight stall accessory parking lot to satisfy the twelve required accessory parking spaces and thirty-six non-accessory stalls for the conversion of the sixteen-story, one hundred seventy-eight dwelling unit building to a one hundred ninety dwelling unit building.

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE

APR 19 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
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AFFIRMATIVE	NEGATIVE	ABSENT
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THE RESOLUTION:

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WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a forty-eight stall accessory parking lot to satisfy the twelve required accessory parking spaces and thirty-six non-accessory stalls for the conversion of the sixteen-story, one hundred seventy-eight dwelling unit building to a one hundred ninety dwelling unit building; a variation was also granted to the subject property in Cal. No. 101-21-Z; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated December 15, 2020, prepared by DGP Architecture.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 4/19, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: Shorewind Towers and Court

CAL NO.: 101-21-Z

APPEARANCE FOR: Rolando Acosta

MINUTES OF MEETING:
March 19, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2344 E. 70th Place

NATURE OF REQUEST: Application for a variation to reduce the front setback from the required 15' to 7', easy side setback from 5' to 1.96' (west to be 7'), combined side setback from 10' to 8.96' to expand the existing parking lot to a forty-eight-parking space lot to serve the existing sixteen-story, one hundred seventy-eight dwelling unit building to a one hundred ninety dwelling unit building.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

APR 19 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held March 19, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on March 4, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the front setback to 7', easy side setback to 1.96' (west to be 7'), combined side setback to 8.96' to expand the existing parking lot to a forty-eight-parking space lot to serve the existing sixteen-story, one hundred seventy-eight dwelling unit building to a one hundred ninety dwelling unit building; a special use was also approved for the subject property in Cal. No. 100-21-S; 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 foresaid 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.

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 4/19, 2021.

APPROVED AS TO SUBSTANCE

[Signature]
CHAIRMAN

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

APPLICANT: MK Construction & Builders Inc. **CAL NO.:** 102-21-Z
APPEARANCE FOR: Fred Agustin **MINUTES OF MEETING:**
 March 19, 2021
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2344 W. Medill Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear setback from the required 28' to 20' for a proposed two-story, single family residence with open metal deck and detached two-car garage with roof decks and access stair in rear.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

APR 19 2021
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
 ZURICH ESPOSITO
 BRIAN H. SANCHEZ
 JOLENE SAUL
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held March 19, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on March 4, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear setback to 20' for a proposed two-story, single family residence with open metal deck and detached two-car garage with roof decks and access stair in rear; an additional variation was granted to the subject property in Cal. No. 103-21-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the foresaid 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.

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 4/19, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

APPLICANT: MK Construction & Builders Inc. **CAL NO.:** 103-21-Z
APPEARANCE FOR: Fred Agustin **MINUTES OF MEETING:** March 19, 2021
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2344 W. Medill Avenue

NATURE OF REQUEST: Application for a variation to relocate the rear yard open space of 225 square feet / 15' minimum side length to a garage roof deck for a proposed two-story, single family residence with open metal deck and detached two-car garage with roof deck access stair in rear.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

APR 19 2021
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
 ZURICH ESPOSITO
 BRIAN H. SANCHEZ
 JOLENE SAUL
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 19, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on March 4, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to relocate the rear yard open space of 225 square feet / 15' minimum side length to a garage roof deck for a proposed two-story, single family residence with open metal deck and detached two-car garage with roof deck access stair in rear; an additional variation was granted to the subject property in Cal. No. 102-21-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the foresaid 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.

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 4/19, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

APPLICANT: 955 Grand Adventures, LLC

CAL NO.: 104-21-Z

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:
March 19, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 955 W. Grand Avenue

NATURE OF REQUEST: Application for a variation to reduce the rear south setback from 50' to 6.31', east side setback from 5' to 3' for a proposed four-story addition to an existing private school.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

APR 19 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 19, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on March 4, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to reduce the rear south setback to 6.31', east side setback to 3' for a proposed four-story addition to an existing private school; an additional variation was granted to the subject property in Cal. No. 105-21-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the foresaid 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.

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 4/19, 2021.
*Amended at Hearing

APPROVED AS TO SUBSTANCE

CHAIRMAN

APPLICANT: 955 Grand Adventures, LLC

CAL NO.: 105-21-Z

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:
March 19, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 955 W. Grand Avenue

NATURE OF REQUEST: Application for a variation to eliminate the required 10' x 50' loading berth to serve an existing private school with a proposed four-story addition to an existing private school.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

APR 19 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 19, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on March 4, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to eliminate the required 10' x 50' loading berth to serve an existing private school with a proposed four-story addition to an existing private school; an additional variation was granted to the subject property in Cal. No. 104-21-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood, it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the foresaid 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.

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 4/19, 2021.

APPROVED AS TO SUBSTANCE

[Signature]
CHAIRMAN

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



MAY 24 2021

CITY OF CHICAGO
ZONING BOARD OF APPEALS

Stephanie and John Harris

APPLICANTS

106-21-Z

CALENDAR NUMBER

1425 N. Astor Street

PREMISES AFFECTED

March 19, 2021

HEARING DATE

ACTION OF BOARD

THE VOTE

The application for the variation is denied.

AFFIRMATIVE NEGATIVE ABSENT

Timothy Knudsen,
Chairman
Zurich Esposito
Brian Sanchez
Jolene Saul
Sam Toia

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**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE VARIATION APPLICATION FOR 1425 N. ASTOR
STREET BY STEPHANIE AND JOHN HARRIS.**

I. BACKGROUND

Stephanie and John Harris (the "Applicants") submitted a variation application for 1425 N. Astor Street (the "subject property"). The subject property is currently zoned RM-5 and is currently improved with five-story¹, single-family home, (the "home"). The Applicants proposed to construct a new two-car garage (the "proposed garage"), a new one-story enclosed walkway connecting the proposed garage to the home (the "proposed connector") and a new 10.5' masonry garden wall located at the rear of the subject property (the "proposed rear wall") to replace an existing, nonconforming rear masonry garden wall (the "existing rear wall"). In order to permit the proposed garage, the proposed connector and the proposed rear wall, the Applicants sought a variation to reduce: (1) the north side setback from 4' to zero; (2) the south side setback from 4' to zero; (3) the combined side setback from 10' to zero; (4) the rear setback from 42.29' to 10.75'; and (5) the setback required from the rear property line to the proposed garage from 2' to 0.3'.

¹ The plat of survey states that it is a three- and four-story home. However, as all application materials refer to the home as a five-story building, the ZONING BOARD OF APPEALS will – for consistency's sake – will continue to refer to the home as a five-story building.

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a remote public hearing² on the Applicants' variation application at its regular meeting held on March 19, 2021, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. June 26, 2020), the Applicants had submitted their proposed Findings of Facts. One of the Applicants Ms. Stephanie Harris and the Applicants' attorney Ms. Kate Duncan were present. The Applicants' architect Mr. Jeff Policky was also present. Alderman Michele Smith (the "Alderman") made a statement in support of the application. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure and its Emergency Rules (eff. January 21, 2021³).

Due to a conflict in the Alderman's schedule, the matter was briefly called out-of-order to allow the Alderman to make a statement in support of the application. The matter was then continued until later in the day.

Once recalled, the Applicants' attorney, Ms. Kate Duncan offered background as to the application.

Ms. Stephanie Harris offered testimony in support of the application.

The Applicants' architect Mr. Jeff Policky offered testimony in support of the application.

In response to questions from the ZONING BOARD OF APPEALS, Ms. Duncan made further statements and Ms. Harris and Mr. Policky offered further testimony.

B. Criteria for a Variation

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

Pursuant to Section 17-13-1107-B of the Chicago Zoning Ordinance, in order to determine that practical difficulties or particular hardships exist, the ZONING BOARD

² In accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 *et seq.*

³ Such Emergency Rules were issued by the Chairman of the ZONING BOARD OF APPEALS in accordance with his emergency rule-making powers set forth in the Rules of Procedure.

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

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

III. FINDINGS OF FACT

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

- 1. Strict compliance with the regulations and standards of the Chicago Zoning Ordinance would not create practical difficulties or particular hardships for the subject property.*

The ZONING BOARD OF APPEALS fails to see how strict compliance with the Chicago Zoning Ordinance would create practical difficulties or particular hardships for the subject property. The stated purpose for this variation is to allow the construction of the proposed garage, the proposed connector and the proposed rear wall. As Ms. Harris testified and as argued by Ms. Duncan, the reasons behind the need for these items are: (1) to provide increased security (the proposed connector); (2) to allow construction of a rear wall that follows the footprint of the existing rear wall and matches the aesthetics of the neighboring properties (the proposed rear wall); and (3) to provide garage parking for their children (the proposed garage).

Assuming *arguendo* that the lack of a garage is a practical difficulty or particular hardship for the subject property, strict compliance with the Chicago Zoning Ordinance would not prevent the Applicants from constructing a garage. The Chicago Zoning Ordinance addresses the need for a garage in Section 17-17-0309. As set forth in that section, *enclosed parking spaces* are obstructions that are allowed in the required rear and side setback. Thus, garages may be constructed in strict compliance with the regulations and standards of the Chicago Zoning Ordinance. As such, the need for a garage, in and of itself, cannot be the impetus behind the variation application. The variation is requested because the proposed garage, as designed, does not conform with Section 17-17-0309 in that it is only 0.3' from the rear property line and not the required minimum 2'. While the Applicant's rear lot line is slightly angled, at no time was the ZONING BOARD OF APPEALS presented with any credible evidence that the Applicant could not provide a garage that was fully compliant with the Chicago Zoning Ordinance. Indeed, as can be seen from the site plans, the Applicants chose to locate the proposed garage on the north of the subject property where the angled nature of the subject property is most pronounced. The Applicants' presented no evidence as to why the proposed garage could not be located on the south of the subject property where the angled nature of the subject property is the least.⁴ Nor did the Applicants provide any evidence as to why the garage could not be set further back from the rear property line (i.e., deeper into the lot).

The rear setback reduction request is tied to the proposed the proposed rear wall. Although the Applicants attempted to characterize the proposed rear wall as matching the existing conditions of the subject property and the alley, the fact remains that the Applicants are demolishing the existing rear wall in its entirety.⁵ Indeed, as Mr. Policky testified, the footings of the existing rear wall would be demolished entirely and not re-used. Moreover, and as can be seen from the plans, the proposed rear wall would not be located in the same location as the existing rear wall. In fact, the only thing the existing rear wall and the proposed rear wall have in common is their height of 10.5' and it is this height of 10.5' that is triggering the need for the variation.⁶ The ZONING BOARD OF APPEALS declines to find that the inability to have a 10.5' high rear masonry garden wall to be a practical difficulty or particular hardship *for the subject property*. It is up the Applicants to prove their case. The Applicants' argued that the alley was an easy way for trespassers to gain access to the subject property's rear yard, especially due to the presence of dumpsters. However, Ms. Harris admitted at the hearing that of the two times there were trespassers in the Applicants' rear yard, she was either unaware of how the trespassers gained access

⁴ Indeed, and as set forth in paragraph 16 of Ms. Harris' affidavit, the proposed garage at its southernmost point would be set 3' back from the rear property line. Thus, a garage could be erected in full compliance with the 2' setback requirement on the south side of the subject property. Presumably the reason the Applicants chose the location of the proposed garage is so that the proposed connector may be constructed. However, the ZONING BOARD OF APPEALS – as discussed in more detail in the body of this resolution – sees no practical difficulty or particular hardship that necessitates the proposed connector.

⁵ Section 17-15-0304-B of the Chicago Zoning Ordinance.

⁶ As it is the height of the proposed rear wall that makes it an unpermitted obstruction in the rear setback. Section 17-17-0309 of the Chicago Zoning Ordinance.

(the 2017 incident) or knew that they had gained access from the front of the subject property (the 2018 incident). Thus, the ZONING BOARD OF APPEALS does not see why the Applicants cannot erect a rear masonry garden wall in strict compliance with the Chicago Zoning Ordinance.

The north side setback, south side setback and combined side setback reduction request is to allow construction of the proposed connector. The Applicants argued that the purpose of the proposed connector is to address security concerns. The ZONING BOARD OF APPEALS declines to find that such security concerns are a practical difficulty or particular hardship *to the subject property*. Again, it is up to the Applicants to prove their case. Though the Applicants submitted printouts indicating that there has been an increase in car-jackings in Chicago's 43rd ward, there is no credible evidence to show that such an increase in car-jackings is a practical difficulty or particular hardship specifically for the ward,⁷ let alone the immediate block or the subject property itself. Likewise, Ms. Harris' testimony regarding crime in the neighborhood does not persuade the ZONING BOARD OF APPEALS of the presence of a practical difficulty or particular hardship for the subject property.⁸ With respect to the two incidents of trespass that occurred on the subject property in 2017 and 2018, the ZONING BOARD OF APPEALS finds that there is no credible evidence that these two incidences were targeted criminal attempts due to the attributes of this particular subject property. Indeed, based on Ms. Harris' testimony, they were unrelated incidents.

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

Pursuant to Section 17-1-0513 of the Chicago Zoning Ordinance, the purpose and intent of the Chicago Zoning Ordinance is to "establis[h] clear and efficient development review and approval procedures." One such procedure is the requirement that the ZONING BOARD OF APPEALS may not approve a variation unless it makes findings, based on the evidence submitted to it in each case, that strict compliance with the regulations and standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships for the subject property. Since the ZONING BOARD OF APPEALS declines to find that strict compliance with the regulations and standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships for the subject property, the requested variation is not consistent with the Chicago Zoning Ordinance's clear and efficient development review and approval procedures.

⁷ The ZONING BOARD OF APPEALS takes judicial notice of the fact that car-jackings can happen anywhere in Chicago.

⁸ The ZONING BOARD OF APPEALS takes judicial notice of the fact that crime can happen anywhere in Chicago.

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

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

As previously discussed, a garage and a rear garden masonry wall can be built upon the subject property in conformance to the Chicago Zoning Ordinance. As the Applicants plan to completely demolish the existing rear wall, there is no cost benefit to constructing either the proposed garage or the proposed rear wall along its footings. Thus, the Applicants failed to sufficiently prove that the subject property cannot yield a reasonable return if they cannot build a garage and rear masonry garden wall that matches their desired aesthetics.

Likewise, the ZONING BOARD OF APPEALS is not persuaded by the Applicants' arguments that they cannot achieve a reasonable return on the subject property if they cannot construct the proposed connector. Though the Applicants provided information on two past trespasses upon the backyard of the subject property, general information on crime in the area and on car-jackings in the 43rd ward, the ZONING BOARD OF APPEALS declines to make the inference that security concerns from the lack of the proposed connector would prevent the Applicants from realizing a reasonable return on their property. In fact, as Ms. Harris testified, the Applicant intends on installing a security system which includes cameras and motion-sensor lighting facing the alley and capturing all directions. Nothing would prevent the Applicants from installing a similar or identical security system in accordance with the Chicago Zoning Ordinance.

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

The ZONING BOARD OF APPEALS has declined to find the existence of a practical difficulty or a particular hardship. Even assuming the present lack of a garage on the subject property is a practical difficulty or particular hardship, a garage and rear garden masonry wall can be constructed in conformity with the Chicago Zoning Ordinance. In addition, the ZONING BOARD OF APPEALS finds that the Applicants failed to prove that their concerns with crime are not generally applicable to other property.

3. *The Applicants failed to prove that the variation, if granted, will not alter the essential character of the neighborhood.*

The ZONING BOARD OF APPEALS finds that the Applicants failed to prove that the proposed garage and the proposed rear wall, if built, would not alter the essential character of the neighborhood. Although the Applicants argued that they are matching what currently exists on the subject property and in the alley, this is belied by a review of their plans which clearly shows that they are altering what currently exists. Further, the ZONING BOARD OF APPEALS finds that the sole article of evidence submitted by the Applicants as to the character of the alley – a single photograph of a portion of the alley – was unhelpful and insufficient as it did not show the alley in its entirety.

Though Ms. Harris provided cursory testimony that other homes on the block have connections from the garage to the home, no evidence was given as to where these homes are located, how many of these homes exist or the characteristics of these connections. As such, the ZONING BOARD OF APPEALS finds that there is no credible evidence that other properties in the neighborhood have a similar connector to the proposed connector and that, if built, the proposed connector would not alter the essential character of the neighborhood.

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

- 1. The particular physical surroundings, shape or topographical condition of the specific property involved would not result in a particular hardship upon the property owner as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.*

Though the lack of a garage is not typical for a standard residence, such lack does not result in a particular hardship upon the Applicants. As discussed above, the Applicants could construct a garage and a rear masonry garden wall in conformity with the Chicago Zoning Ordinance. There is nothing about the physical surroundings, shape or topographical condition of the subject property that would prevent them from doing so. In a similar vein, the Applicants have failed to prove that the difference between the proposed garage and proposed rear wall, versus what they can construct *as of right*, would result in a particular hardship upon the Applicants. Indeed, as the Applicants' concerns to this point were chiefly aesthetic, the ZONING BOARD OF APPEALS finds that this is, at best, a mere inconvenience.

In addition, though the ZONING BOARD OF APPEALS understands that trespass and other crime are significant events, the Applicants have failed to prove that any lack of increased security from a specific inability to construct the proposed connector would result in a particular hardship for the property owner. The Applicants can take any number of security measures, including the

installation of a security system similar or identical to the one presently contemplated, while adhering to the strict letter of the Chicago Zoning Ordinance.

2. *The conditions upon which the petition for the variation is based would be applicable, generally, to other property within the same zoning classification.*

As discussed above, the reasons given for the Applicants' request for variation were aesthetics and security. The ZONING BOARD OF APPEALS finds that such conditions are applicable, generally, to other property within the RM-5 zoning classifications.

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

The Applicants have no intention of selling the subject property but plan to live there for the immediate future. Further, the purpose of the variation is to allow the Applicants to improve the subject property according to their aesthetic and security preferences. Thus, the ZONING BOARD OF APPEALS finds that the variation is not based exclusively upon a desire to make more money out of the subject property.

4. *The alleged practical difficulty or particular hardship was created by a person presently having an interest in the property.*

The ZONING BOARD OF APPEALS has declined to find the existence of a practical difficulty or a particular hardship. To the extent that there exists a practical difficulty or particular hardship in relation to the construction of the proposed garage and the proposed rear wall, such practical difficulty or particular hardship is attributable solely to the Applicants as the Applicants have chosen to construct the proposed garage and the proposed rear wall in a manner that necessitates the variation. Even assuming the lack of a garage and a lack of rear garden masonry wall is a practical difficulty or particular hardship on the subject property, a garage and a rear garden masonry wall can be built on the subject property within the allowances of the Chicago Zoning Ordinance. Similarly, assuming the present location of the existing rear wall constitutes a practical difficulty or particular hardship, the Applicants are demolishing it entirely and *choosing* to construct the proposed garage along the location of the previously existing footings.

The ZONING BOARD OF APPEALS has declined to find the existence of a practical difficulty or particular hardship as it relates to the proposed connector. However, to the extent that crime or a need for increased security constitutes a hardship or difficulty, such is not likely attributable to the Applicants.

5. *There is insufficient evidence to show that granting the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.*

It is up to the Applicants to prove their case. The Applicants provided no credible evidence as to this criterion. Although the Applicants argued in their proposed Findings of Fact that because the proposed garage and proposed connector were “compatible with other homes in the neighborhood,” the proposed variation would not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood the Applicants provided no evidence of this. In fact, and as discussed above, the Applicants provided no evidence as with respect to other connectors as to where these homes are located, how many of these homes exist or the characteristics of these connections. Nor did the Applicants provide any evidence with respect to other garages as to where these garages were located or how far these garages were set back from the alley. Indeed, upon review of the lone picture provided by the Applicants of the alley, it is clear that many of the garages along the alley are set further back from the rear property line than the Applicant’s existing rear wall.

There is also insufficient evidence to show that granting the variation in order to permit the construction of the proposed connector would not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the subject property is located. The Applicants offered no argument, either at hearing or in their proposed Findings of Fact, to address why the additional 2.5’ in height at the north wall would not be injurious to the adjacent property.

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

It is up to the Applicants to prove their case. The burden of proof is not on the ZONING BOARD OF APPEALS or the City of Chicago. Aside from a bare assertion that the variation will not impair an adequate supply of light and air to adjacent property, the record is bereft of any evidence to support the Applicants’ contention that the variation would not affect the supply of light and air to adjacent property. As such, the ZONING BOARD OF APPEALS finds that there is insufficient evidence to show whether the variation will impair an adequate supply of light and air to adjacent property.

The ZONING BOARD OF APPEALS finds that the variation would not substantially increase the congestion in the public streets as the variation would permit the construction of the proposed garage (and would therefore reduce the number of vehicles parked on the public streets). The ZONING BOARD OF APPEALS finds that the variation would not increase the danger of fire or endanger the public safety as the proposed garage, the proposed rear wall and the proposed connector would not be built unless and until the Applicants obtained valid building permits.

However, there is insufficient evidence in the record to show that the variation will not substantially impair property value within the neighborhood. Again, it is up to the Applicants to prove their case. The burden of proof is not on the ZONING BOARD OF APPEALS or the City of Chicago. The ZONING BOARD OF APPEALS did not find credible the bare and conclusory assertion put forth at hearing and in their proposed Findings of Fact, that the variation will not substantially impair property value within the neighborhood.

IV. CONCLUSION

For all of these reasons, the ZONING BOARD OF APPEALS finds that the Applicants have not proved their case by evidence, testimony and the entire record, including the Applicants' proposed Findings of Fact, covering the specific criteria for a variation pursuant to Sections 17-13-1107-A, B and C of the Chicago Zoning Ordinance.

The ZONING BOARD OF APPEALS hereby denies the Applicants' application for a variation.

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

APPROVED AS TO SUBSTANCE

By: 
Timothy Knudsen, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the mail on 5/24, 2021.


Janine Klich-Jensen

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



JUN 21 2021

CITY OF CHICAGO
ZONING BOARD OF APPEALS

3308 W. Montrose, LLC

APPELLANT

**107-21-S, 108-21-Z,
109-21-S & 110-21-Z**
CALENDAR NUMBERS

3010 & 3014 W. Montrose Ave.

PREMISES AFFECTED

April 16, 2021

HEARING DATE

ACTION OF BOARD

The application for the special uses are approved subject to the conditions set forth below. The applications for the variations are approved.

THE VOTE (SPECIAL USES – 107-21-S & 109-21-S)

	AFFIRMATIVE	NEGATIVE	ABSENT
Timothy Knudsen, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Zurich Esposito	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Sanchez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jolene Saul	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

THE VOTE (VARIATIONS – 108-21-Z & 110-21-Z)

	AFFIRMATIVE	NEGATIVE	ABSENT
Timothy Knudsen, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Zurich Esposito	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Sanchez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jolene Saul	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE SPECIAL USE AND VARIATION APPLICATIONS
FOR 3010 AND 3014 W. MONTROSE AVENUE BY 3308 W. MONTROSE, LLC.**

I. BACKGROUND

3308 W. Montrose, LLC (the "Applicant") submitted: (1) a special use application and a variation application for 3010 W. Montrose Avenue ("3010 W. Montrose"); and (2) a special use application and a variation application for 3014 W. Montrose Avenue ("3014 W. Montrose"). 3010 W. Montrose and 3014 W. Montrose are currently zoned B3-2. 3010 W. Montrose and 3014 W. Montrose are currently vacant but were previously improved

with a single one-story vacant industrial building. The Applicant proposed to erect a six (6) dwelling unit building and six (6) car garage on 3010 W. Montrose Avenue (the “proposed 3010 W. Montrose development”) and a six (6) dwelling unit and six (6) car garage on 3014 W. Montrose Avenue (the “proposed 3014 W. Montrose development”). As can be seen from the plans and drawings, the proposed 3010 W. Montrose development and the proposed 3014 W. Montrose development are identical. Therefore, to permit both developments, the Applicant sought the same relief. To permit the proposed 3010 W. Montrose development, the Applicant sought: (1) a special use to establish residential use below the second floor; and (2) a variation to reduce the rear setback from the required 30’ to 2’. To permit the proposed 3014 W. Montrose development, the Applicant sought: (1) a special use to establish residential use below the second floor; and (2) a variation to reduce the rear setback from the required 30’ to 2’. In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City’s Department of Planning and Development (the “Department”) recommended approval of: (1) the proposed special use for 3010 W. Montrose provided that the development was consistent with the design and layout of the plans and drawings dated April 15, 2021, prepared by 360 Design Studio; and (2) the proposed special use for 3014 W. Montrose provided that the development was consistent with the design and layout of the plans and drawings dated April 15, 2021, prepared by 360 Design Studio.

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a remote public hearing¹ on the Applicant’s special use application at its regular meeting held on April 16, 2021, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune* and as continued without further notice as provided under Section 17-13-0108-A of the Chicago Zoning Ordinance. In accordance with the ZONING BOARD OF APPEALS’ Rules of Procedure (eff. June 26, 2020), the Applicant had submitted its proposed Findings of Fact. The Applicant’s managing member Mr. Gerald (“Alan”) Coyle and its attorney Ms. Sara Barnes were present. The Applicant’s architect Mr. Christopher Boehm, its MAI certified real estate appraiser Mr. Joseph M. Ryan, its licensed real estate broker Mr. Timothy Sheahan and its licensed real estate broker Ms. Bridget Carey were present. The zoning manager for 33rd ward alderman Rossana Rodriguez Sanchez (the “Alderman”) Ms. Leanna Miller Marquez was present. Mr. Robert Quellos was present. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS’ Rules of Procedure and its Emergency Rules (eff. March 22, 2021).

The Applicant’s attorney Ms. Sara Barnes provided an overview of the Applicant’s applications.

¹ In accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 *et seq.*

The Applicant's managing member Mr. Gerald "Alan" Coyle offered testimony in support of the applications.

The Applicant's architect Mr. Christopher Boehme offered testimony in support of the applications.

The Applicant's MAI certified real estate appraiser Mr. Joseph M. Ryan offered testimony in support of the applications.

Ms. Leanna Miller Marquez then read into the record a statement in opposition to the applications from the Alderman.

Mr. Robert Quellos, of 4907 N. Lawndale, Unit 3, offered testimony in opposition to the applications for special use.

In response to the Alderman's statement and Mr. Quellos' testimony, Ms. Barnes provided an overview of the Applicant's community engagement process with respect to the applications.

In response to the Alderman's statement, Mr. Quellos' testimony and questions from the ZONING BOARD OF APPEALS, Ms. Barnes made further statements.

In response to questions from Ms. Miller Marquez, the Applicant's licensed real estate broker Mr. Timothy Sheahan offered testimony in support of the applications.

In response to further questions from the ZONING BOARD OF APPEALS, Mr. Ryan offered further testimony in support of the applications.

In response to further questions from the ZONING BOARD OF APPEALS, Ms. Barnes made further statements.

Mr. Coyle then offered further testimony in support of the applications.

In response to Mr. Coyle's testimony, Ms. Barnes made further statements and Ms. Miller Marquez offered testimony.

B. Criteria for a Special Use

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

such as hours of operation, outdoor lighting, noise and traffic generation; and (5) it is designed to promote pedestrian safety and comfort.

C. Criteria for a Variation

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

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

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

III. FINDINGS OF FACT

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

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

3010 W. Montrose and 3014 W. Montrose are located in a B3-2 zoning district. The Applicant's proposed ground floor residential use at both properties is a special use in a B3-2 zoning district.² Aside from the companion variations, the Applicant is seeking no other relief from the Chicago Zoning Ordinance. Since the ZONING BOARD OF APPEALS has decided to grant the special uses and the variations to the Applicant, the Applicant's proposed special uses comply with all applicable standards of the Chicago Zoning Ordinance.

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

The proposed special uses are in the interest of the public convenience because they will allow the Applicant to activate currently unimproved vacant (and formerly improved vacant) property with the proposed 3010 W. Montrose development and the 3014 W. Montrose development (the "proposed developments"). The proposed developments will provide twelve (12) new condominium units in an area that – as can be seen from the photographs submitted by the Applicant – could benefit from newer housing stock. Each condominium unit will have one (1) on-site parking space. As set forth in Mr. Ryan's report and as he testified at the hearing, parking is at a premium in the area. In fact, and as he also testified to, desirability for commercial space on Montrose is drastically diminished by the fact that any commercial space on Montrose does not offer off-street parking and has no option for off-street parking.

Further, the proposed special uses will not have a significant adverse impact on the general welfare of the neighborhood or community. As can be seen from the photographs of the area, the numerous letters in support of the application and Mr. Ryan's very credible testimony, there is no demand for retail use on this portion of Montrose. As Mr. Ryan credibly testified, West Montrose is a secondary corridor as compared with larger commercial street like Lawrence Avenue, Irving Park Avenue and Belmont Avenue and, as such, the demand for commercial space along West Montrose is dramatically diminished. In fact, to insist on ground floor retail use at 3010 W. Montrose and 3014 W. Montrose would result in yet another vacant commercial store front which would have a significant adverse impact on the general welfare of the neighborhood or community. Indeed, as Mr. Ryan testified, there are already twenty-five (25) retail vacancies on Montrose between California and Kedzie. The ZONING BOARD OF APPEALS therefore agrees with the

² Section 17-3-0207(7) of the Chicago Zoning Ordinance.

Applicant that it is far better for the general welfare of the neighborhood to improve 3010 W. Montrose and 3014 W. Montrose with all-residential developments.

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

The proposed special uses will be located within the proposed developments. As can be seen from the Applicant's plans and drawings, the proposed developments are three stories and thus are compatible with the other three and four story multi-residential developments in the area. They are also not overly large, and are harmonious with the two-story single-family homes in the area. Thus, the proposed special uses are compatible with the character of the surrounding area in terms of site planning and building scale. Moreover, the proposed special use will allow for ground floor residential use at 3010 W. Montrose and 3014 W. Montrose and, as testified by Mr. Ryan, there is other ground floor residential use on Montrose. Thus, the proposed special uses are compatible with the character of the surrounding area in terms of project design.

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.*

The proposed special uses will allow ground floor residential use at 3010 W. Montrose and 3014 W. Montrose. As testified by Mr. Ryan and as can be seen from the photographs submitted by the Applicant, there is other ground floor residential use in the area. There is also residential use above the ground floor in the area. Thus, the proposed special uses will be compatible in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation.

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

The proposed special uses will be located inside the proposed developments. As can be seen from the Applicant's plans and drawings, the entrance to the proposed developments off of Montrose will be slightly recessed so that residents and visitors entering and exiting the proposed developments from Montrose will not interrupt pedestrian traffic on the sidewalk. Further, all vehicular traffic entering and exiting the proposed developments will occur in the alley. As such, the proposed special uses are designed to promote pedestrian safety and comfort.

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

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

3010 W. Montrose

As set forth above, there is no demand for ground floor retail use on this portion of West Montrose. Mr. Ryan credibly testified that the lots along this portion of West Montrose (including 3010 W Montrose) are not big and deep enough to accommodate national credit tenants. As any new construction ground floor retail space would have – as Mr. Ryan credibly testified – higher rents than the several, older vacant ground floor retail spaces in the immediate area, there would be even less demand for ground retail use at 3010 W. Montrose. Thus, an all-residential use at 3010 W. Montrose is clearly the highest and best use for 3010 W. Montrose. Consequently, the Applicant has requested a special use from the ZONING BOARD OF APPEALS for ground floor residential use at 3010 W. Montrose. However, 3010 W. Montrose – while it has the floor area ratio and minimum lot area for six (6) dwelling units – is not wide enough to provide a six (6) car parking garage in strict compliance with the Chicago Zoning Ordinance.³ As Mr. Sheahan credibly testified, garage parking is necessary for new construction to remain marketable. Thus, strict compliance with the regulations and standards of the Chicago Zoning Ordinance creates practical difficulties or particular hardships for 3010 W. Montrose.

3014 W. Montrose

As set forth above, there is no demand for ground floor retail use on this portion of West Montrose. Mr. Ryan credibly testified that the lots along this portion of West Montrose (including 3014 W. Montrose) are not big and deep enough to accommodate national credit tenants. As any new construction ground floor retail space would have – as Mr. Ryan credibly testified – higher rents than the several, older vacant ground floor retail spaces in the immediate area, there would be even less demand for ground retail use at 3014 W. Montrose. Thus, an all-residential use at 3014 W. Montrose is clearly the highest and best use for 3014 W. Montrose. Consequently, the Applicant has requested a special use from the ZONING BOARD OF APPEALS for ground floor residential use at 3014 W. Montrose. However, 3014 W. Montrose – while it has the floor area ratio and minimum lot area for six (6) dwelling units – is not wide enough to provide a six (6) car parking

³Section 17-9-0201-D of the Chicago Zoning Ordinance states (in pertinent part and subject to certain exceptions not applicable here) that no accessory building may occupy more than 60% of the area of a required rear setback. As explained by Ms. Barnes, a six (6) car parking garage that did not occupy over 60% of the area of the required rear setback in the instant case would require a 52' wide lot. As 3010 W. Montrose is only 50' wide, the proposed development did not comply Section 17-9-0201-D of the Chicago Zoning Ordinance. Hence, the Applicant's request to reduce the rear setback.

garage in strict compliance with the Chicago Zoning Ordinance.⁴ As Mr. Sheahan credibly testified, garage parking is necessary for new construction to remain marketable. Thus, strict compliance with the regulations and standards of the Chicago Zoning Ordinance creates practical difficulties or particular hardships for 3014 W. Montrose.

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

The requested variations will allow for the proposed developments. The proposed developments are consistent with the stated purpose and intent of the Chicago Zoning Ordinance, specifically by: (1) promoting the public health, safety and general welfare pursuant to Section 17-1-0501 of the Chicago Zoning Ordinance by allowing the Applicant to build developments that will be marketable and will not create new vacant storefronts in the City; (2) preserving the overall quality of life for residents and visitors pursuant to Section 17-1-0502 of the Chicago Zoning Ordinance by, as noted above, allowing the Applicant to build developments that will be marketable and not create new vacant storefronts in the City; (3) maintaining orderly and compatible land use and development patterns pursuant to Section 17-1-0508 of the Chicago Zoning Ordinance by the Applicant to ensure that all parking spaces in the proposed developments are enclosed within a garage; (5) ensuring adequate light, air, privacy and access to property pursuant to Section 17-1-0509 of the Chicago Zoning Ordinance as can be seen from the proposed developments' plans and drawings; and (6) maintaining a range of housing choices and options pursuant to Section 17-1-0512 of the Chicago Zoning Ordinance by allowing for two new all-residential buildings.

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

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

Without the requested variations, the Applicant would not be able to provide garage parking for all six (6) on-site parking spaces at 3010 W. Montrose and all six (6) on-site parking spaces at 3014 W. Montrose. Instead, it would only be able to provide a four (4) car garage at 3010 W. Montrose and a four (4) car garage at 3014 W. Montrose. The other two (2) parking spaces in both proposed developments

⁴ Section 17-9-0201-D of the Chicago Zoning Ordinance states (in pertinent part and subject to certain exceptions not applicable here) that no accessory building may occupy more than 60% of the area of a required rear setback. As explained by Ms. Barnes, a six (6) car parking garage that did not occupy over 60% of the area of the required rear setback in the instant case would require a 52' wide lot. As 3014 W. Montrose is only 50' wide, the proposed development did not comply Section 17-9-0201-D of the Chicago Zoning Ordinance. Hence, the Applicant's request to reduce the rear setback.

would be unenclosed. As Mr. Sheahan very credibly testified, lack of garage parking in new construction condominium units drastically cuts the valuation of the condominium units in question. Because of this, and as set forth in the Applicant's economic analysis attached to its proposed Findings of Fact, the proposed developments are not viable without the requested variations. As both 3010 W. Montrose and 3014 W. Montrose are both currently unimproved and vacant (and were formerly improved and vacant), the ZONING BOARD OF APPEALS finds that the inability to have garage parking spaces for all on-site parking would cause both 3010 W. Montrose and 3014 W. Montrose to be unable to realize a reasonable return as both properties would continue to remain vacant.

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

3010 W. Montrose and 3014 W. Montrose are – as noted above – zoned for ground floor retail use. However, this portion of West Montrose has no demand for ground floor retail due its lack of off-street parking and the fact that its lots are not big and deep enough to attract national credit tenants. As 3010 W. Montrose and 3014 W. Montrose are currently vacant, any ground floor retail space on the properties would be new construction and thus rents for the space would be higher than other ground floor retail spaces on this portion of West Montrose. As a result, ground floor retail space at 3010 W. Montrose and 3014 W. Montrose is not economically viable, and the Applicant has requested a special use for ground floor residential use at both properties. However, despite the market requiring that new construction condominium units be sold with garage parking, neither 3010 W. Montrose nor 3014 W. Montrose are wide enough to provide garage parking for all required parking spaces. The above set of unique circumstances constitute practical difficulties or particular hardships and are not generally applicable other property vacant property located in a business zoning district.

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

The variations will allow the Applicant to provide garage parking for all six (6) on-site parking spaces at 3010 W. Montrose and all six (6) on-site parking spaces at 3014 W. Montrose. As can be seen from the plans and drawings of the proposed developments, all parking will be accessed off of the alley at the rear of 3010 W. Montrose and 3014 W. Montrose. As can be seen from photographs of the alley submitted by the Applicant, the alley is currently used to access either parking pads or garages. And as can be seen from a comparison of the plans and drawings of the proposed developments with the Applicant's photographs of the surrounding area, the proposed developments – including their proposed garages – provide the perfect transition between the single-family homes in the neighborhood and the larger multi-residential buildings in the neighborhood. Based on all this, the ZONING BOARD OF APPEALS finds that proposed variations will not alter the essential character of the neighborhood.

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

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

The particular surroundings (i.e., lack of demand for retail, market demand for new construction condominium units with garage parking) and shape (i.e., not wide enough to provide a garage with six (6) parking spots) of 3010 W. Montrose and 3014 W. Montrose result in particular hardship upon the Applicant. Indeed, and as set out in the Applicant's proposed Findings of Fact, without the proposed variations, the proposed developments would not be viable and 3010 W. Montrose and 3014 W. Montrose would continue to remain vacant and unproductive. This is much more than a mere inconvenience.

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

3010 W. Montrose and 3014 W. Montrose are – as noted above – zoned for ground floor retail use. However, this portion of West Montrose has no demand for ground floor retail due its lack of off-street parking and the fact that its lots are not big and deep enough to attract national credit tenants. As 3010 W. Montrose and 3014 W. Montrose are currently vacant, any ground floor retail space on the properties would be new construction and thus rents for the space would be higher than other ground floor retail spaces on this portion of W. Montrose. As a result, ground floor retail space at 3010 W. Montrose and 3014 W. Montrose is not economically viable, and the Applicant has requested a special use for ground floor residential use at both properties. However, despite the market requiring that new construction condominium units be sold with garage parking, neither 3010 W. Montrose nor 3014 W. Montrose are wide enough to provide garage parking for all required parking spaces. The above set of conditions for which the petitions for the variations are based are not applicable, generally, to other property within the B3-2 zoning classification.

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

The purpose of the variations is to allow the Applicant to reactivate currently vacant and unimproved (and formerly vacant and improved) property with new residential dwelling units. It is therefore not based exclusively upon a desire to make more money out of the subject property but rather a desire by the Applicant

to realize a reasonable return on its investment while providing a product (garage parking) for which there is a demonstrated market demand (as evidenced by Mr. Sheahan's testimony) in the area.

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

The Applicant did not create the current lack of demand for ground floor retail use on this portion of West Montrose. Nor did the Applicant create the current market demand that new construction condominium units have garage parking space (as opposed to unenclosed parking space). The Applicant also did not create the condition that six (6) car parking garages for both 3010 W. Montrose and 3014 W. Montrose would (if built in strict compliance with the Chicago Zoning Ordinance) require that both properties be 52' wide.

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

The variations will allow for the construction of the proposed developments. As can be seen from the plans and drawings, the proposed development will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood. On the contrary, the proposed developments will be beneficial to the public welfare and beneficial to other improvements in the area. After all, the proposed developments will provide a total of twelve (12) brand new residential units in the neighborhood, each with its own garage parking space. As Mr. Sheahan testified, market demand has made garage parking in new construction standard.

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

The variations will allow for the construction of the proposed developments. As can be seen from a comparison of plans and drawings of the proposed developments with the photographs of the immediate area (including the alley to the rear of 3010 W. Montrose and 3014 W. Montrose), it is clear that the variations will not impair an adequate supply of light and air to adjacent properties. As the proposed developments have a one-to-one onsite parking to condominium unit ratio, the variations will not substantially increase the congestion in the public streets. The proposed developments will not be built unless and until a valid building permit is issued and thus the proposed variations will not increase the danger of fire or endanger the public safety. As the proposed developments will be fully residential, and as the variations are necessary to ensure that the condominium units sell quickly

and for market-rate prices, the variations will not substantially diminish or impair property values within the neighborhood.

IV. CONCLUSION

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

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

1. Development at 3010 W. Montrose shall be consistent with the design and layout of the plans and drawings dated April 15, 2021, prepared by 360 Design Studio; and
2. Development at 3014 W. Montrose shall be consistent with the design and layout of the plans and drawings dated April 15, 2021, prepared by 360 Design Studio.

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

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

APPROVED AS TO SUBSTANCE

By: 
Timothy Knudsen, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 6/21, 2021.


Janine Klich-Jensen

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

APPLICANT: Lawndale Christian Health Center **CAL NO.:** 111-21-Z
APPEARANCE FOR: Richard Baker **MINUTES OF MEETING:**
 March 19, 2021
APPEARANCE AGAINST: None
PREMISES AFFECTED: 2345-59 S. Christiana Avenue

NATURE OF REQUEST: Application for a variation to establish a 10% increase to the maximum gross floor area of any commercial establishment to allow the expansion of an existing accessory health care center to 5,493* square feet within an existing high school.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

APR 19 2021
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
 ZURICH ESPOSITO
 BRIAN H. SANCHEZ
 JOLENE SAUL
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held March 19, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on March 4, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to establish a 10% increase to the maximum gross floor area of any commercial establishment to allow the expansion of an existing accessory health care center to 5,493* square feet within an existing high 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 foresaid 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.

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 4/19, 2021
 *Amended at Hearing

APPROVED AS TO SUBSTANCE

[Signature]
CHAIRMAN

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

APPLICANT: Chicago Board of Education

CAL NO.: 112-21-Z

APPEARANCE FOR: Scott Borstein

MINUTES OF MEETING:
March 19, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 6631 N. Bosworth Avenue

NATURE OF REQUEST: Application for a variation to allow a permitted non-residential use in a residential district to exceed the allowable floor area with a proposed three-story addition (1,443 square feet) to the existing three-story high school.

ACTION OF BOARD - VARIATION GRANTED

THE VOTE

APR 19 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held March 19, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on March 4, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted variation to allow a permitted non-residential use in a residential district to exceed the allowable floor area with a proposed three-story addition (1,443 square feet) to the existing three-story high 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 foresaid 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.

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 4/19, 2021.

APPROVED AS TO SUBSTANCE

[Handwritten Signature]
CHAIRMAN

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

APPLICANT: Uptown Covenant Church

CAL NO.: 113-21-S

APPEARANCE FOR: E. Daniel Box

MINUTES OF MEETING:
March 19, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4612 N. Clifton Avenue

NATURE OF REQUEST: Application for a special use to establish a religious assembly in an existing three-story mixed-use building.

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE

APR 19 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
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X		

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held March 19, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on March 4, 2021; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated December 18, 2020, prepared by Axiom Design.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 4/19, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: CS One Real Estate Inc.

CAL NO.: 114-21-S

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
March 19, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3947 S. Kedzie Avenue

NATURE OF REQUEST: Application for a special use to establish a one-story addition onto an existing one-story retail building located on a lot that contains an existing three pump gas station.

ACTION OF BOARD – Continued to April 16, 2021

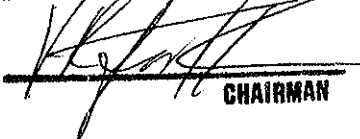
THE VOTE

APR 19 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
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
121 North LaSalle Street
Chicago, Illinois 60602
TEL: (312) 744-3888



JUN 21 2021

CITY OF CHICAGO
ZONING BOARD OF APPEALS

Tempus Group Holdings, LLC

APPLICANT

115-21-Z

CALENDAR NUMBER

5354 N. Sheridan Rd./1001-15 W. Balmoral Ave.

PREMISES AFFECTED

March 19, 2021

HEARING DATE

ACTION OF BOARD

THE VOTE

The application for the variation is denied.

Timothy Knudsen,
Chairman
Zurich Esposito
Brian Sanchez
Jolene Saul
Sam Toia

AFFIRMATIVE NEGATIVE ABSENT

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**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE VARIATION APPLICATION FOR 5354 N.
SHERIDAN ROAD/1001-15 W. BALMORAL AVENUE BY TEMPUS GROUP
HOLDING, LLC.**

I. BACKGROUND

Tempus Group Holdings, LLC (the "Applicant") submitted a variation application for 5354 N. Sheridan Road/1001-15 W. Balmoral Avenue (the "subject property"). The subject property is currently zoned B2-3¹ and is currently improved with a two-story building (the "existing building") and a parking lot (the "existing parking lot"). The Applicant proposed to demolish the existing building and the existing parking lot in order to construct a new four-story, fifty-unit building (the "proposed building"). To permit the proposed building, the Applicant sought a variation to reduce the rear setback for floors containing residential units from the required 30' to 0'.

II. PUBLIC HEARING

A. The Hearing

¹ Pursuant to ordinance adopted by the City Council of the City of Chicago ("City Council") on October 16, 2019, and published in the *Journal of Proceedings of the City Council* for such date at pages 8142 to 8151, the subject property was rezoned pursuant to a Type-1 zoning change from a B3-3 to a B2-3 (Ordinance No. O2019-5540).

The ZONING BOARD OF APPEALS held a remote public hearing² on the Applicant's special use application at its regular meeting held on March 19, 2021, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in *The Chicago Tribune*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. June 26, 2020), the Applicant had submitted its proposed Findings of Fact. The Applicant's manager Mr. Zafar Hussain and its attorney Mr. Nicholas Ftikas were present. The Applicant's project manager Mr. Robyn Cormalleth and its architect Mr. Bill Hornof was present. Also present was Dan Luna the chief of staff for 48th ward Alderman Harry Osterman (the "Alderman"). Testifying in opposition to the application was Mr. Ralph Hoadley. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure and its Emergency Rules (eff. January 26, 2021).³

The attorney for the Applicant Mr. Nicholas Ftikas provided a brief overview of the Applicant's proposed variation. In response to a question from the Zoning Board of Appeals, Mr. Ftikas clarified that Mr. Zafar Hussain was present at the hearing via phone.

The Applicant offered the testimony of its project manager Mr. Robyn Cormalleth in support of the application.

Mr. Ftikas then made further statements.

The Applicant offered the testimony of its architect Mr. Bill Hornof in support of the application.

Mr. Ralph Hoadley, of 5353 North Kenmore Avenue, offered testimony in opposition to the application.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Hoadley offered further testimony. Mr. Hoadley then asked a question of the Applicant.

In response to Mr. Hoadley's testimony and question, Mr. Ftikas made further statements.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Ftikas made further statements and Mr. Hornof provided further testimony.

Mr. Dan Luna, chief of staff for the Alderman, offered testimony in support of the application.

In response to Mr. Luna's testimony, Mr. Hoadley provided further testimony.

² In accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 *et seq.*

³ Such Emergency Rules were issued by the Chairman of the ZONING BOARD OF APPEALS in accordance with his emergency rule-making powers set forth in the Rules of Procedure.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Ftikas made further statements.

In response to Mr. Ftikas' statements, Mr. Hoadley offered further testimony.

In response to Mr. Hoadley's testimony, Mr. Ftikas provided further statements.

Mr. Hornof then offered further testimony.

In response to Mr. Hoadley's testimony, Mr. Luna offered further testimony.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Cormalleth offered further testimony.

In response to Mr. Cormalleth's testimony, Mr. Hoadley offered further testimony.

Mr. Ftikas made a closing statement.

B. Criteria for a Variation

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

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

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

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

III. FINDINGS OF FACT.

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

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

The Applicant provided three bases toward its argument that strict compliance with the Chicago Zoning Ordinance would result in practical difficulties or particular hardships for the subject property: (1) its location as a corner lot; (2) a desire to follow an established pattern of development along west Balmoral Avenue; and (3) a desire to incorporate the surrounding community's desire for a four-story building. The ZONING BOARD OF APPEALS finds that none of these bases constitutes a practical difficulty or a particular hardship for the subject property. First, though the subject property is a corner lot, the record is bereft of any evidence to show that the Applicant could not develop the subject property without the variation. As Mr. Hornof testified at the hearing, the Applicant had the option of constructing a taller building as an alternative.

Next, the ZONING BOARD OF APPEALS declines to recognize the Applicant's desire to build in conformance to an established pattern of development as a practical difficulty or particular hardship for the subject property. At best, such a desire is merely the Applicant's preference. Furthermore, the ZONING BOARD OF APPEALS does not find credible the Applicant's contention that the proposed building does follow the established pattern of development along west Balmoral Avenue. To support this argument, the Applicant submitted a portion of the City's zoning and land use map (the "Zoning Map") as well as a few photographs of the subject property's west Balmoral frontage (the "photographs"). The portion of the Zoning Map submitted by the Applicant showed four blocks of West Balmoral. The Applicant also submitted into evidence its transit oriented

district map (“TOD Map”). The TOD Map submitted by the Applicant shows twelve blocks of West Balmoral. The Applicant argued that the proposed building was designed so that it was in keeping with the established pattern of development for corner lots on Balmoral west of Sheridan. In particular, Mr. Ftikas argued that on corner lots west of Sheridan on Balmoral, building footprints had a frontage on Balmoral up to the alley and then encroached in the rear setback. However, a review of the Zoning Map, the photographs and the TOD Map show that while this may be the case for some corner lots, the ZONING BOARD OF APPEALS does not find that this is the established pattern of development.

Similarly, the ZONING BOARD OF APPEALS does not find that the Applicant’s desire to incorporate input from the surrounding community to constitute a practical difficulty or particular hardship. Again, this is the Applicant’s preference to build in accordance with the community’s input. As stated previously, Mr. Hornof testified at the hearing that the Applicant had the option of constructing a taller structure. It was only the community’s wishes that has led the Applicant to this program of construction. As such, The Zoning Board of Appeals declines to find that the Applicant’s preference constitutes a practical difficulty or particular hardship.

2. *The requested variation is not consistent with the stated purpose and intent of the Chicago Zoning Ordinance.*

Pursuant to Section 17-1-0513 of the Chicago Zoning Ordinance, the purpose and intent of the Chicago Zoning Ordinance is to “establis[h] clear and efficient development review and approval procedures.” One such procedure is the requirement that the ZONING BOARD OF APPEALS may not approve a variation unless it makes findings, based on the evidence submitted to it in each case, that strict compliance with the regulations and standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships for the subject property. Since the ZONING BOARD OF APPEALS declines to find that strict compliance with the regulations and standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships for the subject property, the requested variation is also not consistent with the Chicago Zoning Ordinance’s clear and efficient development review and approval procedures.

After careful consideration of the evidence, testimony and the entire record, including the Applicant’s proposed Findings of Fact, the ZONING BOARD OF APPEALS hereby makes the following findings with reference to the Applicant’s

application for a variation pursuant to Section 17-13-1107-B of the Chicago Zoning Ordinance:

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

The Applicant failed to credibly prove that it could not achieve a reasonable return without the variation. While the Applicant's economic analysis statement provided figures showing a 6.75% return if the variation is granted, the Applicant did not provide construction figures or return figures for a building with less residential units. The Applicant provided information showing that anticipated construction costs for a fifty (50) dwelling unit building are \$8,500,000. However, this is insufficient to prove that the Applicant would not realize a reasonable return if the variation is not granted, as a building with fewer units would likely have lower construction costs. Similarly, at the hearing Mr. Ftikas discussed an alternative plan which contemplated a taller building with no rear setback reduction. The only basis given for rejecting such an alternative plan was that it was not favored by the Alderman or community groups. Nothing in the record indicates that such an alternative plan would not allow the Applicant to yield a reasonable return.

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

The ZONING BOARD OF APPEALS has declined to find the existence of a practical difficulty or particular hardship. Even assuming that the subject property's position as a corner lot is a unique circumstance, nothing in the record shows that such a position rises to the level of a practical difficulty or a particular hardship. Additionally, even assuming that the Applicant's desire to build in conformance to an established pattern of development or to build in accordance to the community's wishes constitute practical difficulties or particular hardships, they are not unique circumstances. Most new developments in the City are built in conformance to an established pattern of development. Further, most new developments that undergo a T1 Zoning Map Amendment have a community review process.

3. *There is insufficient evidence to show whether the variation, if granted, would not alter the essential character of the neighborhood.*

The ZONING BOARD OF APPEALS does not consider the evidence submitted by the Applicant to be sufficient as to this criterion. The ZONING BOARD OF

APPEALS does not find credible the Applicant's contention that there is an established pattern of development along west Balmoral Avenue that is consistent with the Applicant's request to reduce the rear setback. Further, as the proposed building is a corner lot with frontage on both Balmoral Avenue and Sheridan Road, the ZONING BOARD OF APPEALS finds the Applicant to be particularly disingenuous in its focus solely on the character of Balmoral. Indeed, as conceded by the Applicant at the hearing, this portion of Sheridan is characterized by tall, high-rise buildings. Such a tall, high-rise building may even be seen in the background of the Applicant's renderings of the proposed building. The Applicant provided no evidence that the proposed building – which the Applicant concedes is significantly shorter than a high-rise building – would not alter the essential character of the neighborhood.

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

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

The ZONING BOARD OF APPEALS finds that there is insufficient evidence to show that the particular physical surroundings, shape or topographical condition of the subject property results in particular hardship on the Applicant. The fact that the subject property is a corner lot, in and of itself, does not rise to the level of a particular hardship. The subject property is extremely large, measuring 100' wide by 150' deep (as compared with a standard Chicago lot, which measures 25' by 125'). Even taking the subject property's status as a corner lot, this large size gives the Applicant much latitude in how it can develop the subject property within the confines of the Chicago Zoning Ordinance. As Mr. Hornof testified, the Applicant could build a structure that would be taller but still in conformity with the Chicago Zoning Ordinance. In addition, the ZONING BOARD OF APPEALS finds that the Applicant's preference to build according to the established pattern of development or to the desires of the surrounding community is merely a preference, and an inability to build according to such is, at most, a minor inconvenience.

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

The Applicant did not address this criterion at the hearing and only addresses this criterion in its proposed Findings of Fact. In its proposed Findings of Fact, the Applicant argues that not all lots located in B2-3 zoning districts are located at corner intersections abutting multi-unit residential neighborhoods. However, the proper consideration is not *all* lots in B2-3 zoning districts, but rather lots in B2-3 zoning districts, generally. As such, there is insufficient evidence to show whether the condition upon which the variation is based is applicable generally to other property zoned B2-3.

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

The ZONING BOARD OF APPEALS does not find credible the Applicant's stated reason for the requested variation. As previously discussed in greater detail, the ZONING BOARD OF APPEALS declines to find that the Applicant provided sufficient evidence to demonstrate an established pattern of development along west Balmoral Street. Likewise, the variation is not necessary to develop the subject property, as the Applicant could build a taller building in conformity with the Chicago Zoning Ordinance. Lastly, the oversized dimensions of the subject property are such that any limitations in development imposed by the subject property's corner lot location could be overcome. As such, the ZONING BOARD OF APPEALS finds that the purpose of the variation is to allow the Applicant to build fifty (50) residential units, thereby maximizing the Applicant's return on investment. Because of this, the ZONING BOARD OF APPEALS finds that the purpose of the variation is based exclusively upon the Applicant's desire to make more money out of the subject property.

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

The ZONING BOARD OF APPEALS has declined to find the existence of a practical difficulty or a particular hardship. To the extent that there exists a practical difficulty or particular hardship, such practical difficulty or particular hardship is attributable solely to the Applicant as the Applicant is opting to construct the proposed building in a manner that necessitates the variation. Even assuming that there is a practical difficulty or particular hardship upon the subject property by virtue of its status as a corner lot, the Applicant has not shown why the oversized nature of the subject property would not overcome such a status. It is because the Applicant is choosing this particular program of development that the corner lot would constitute a difficulty or a hardship. In a similar vein, the

Applicant's desire to develop the subject property in accordance with an established pattern of development or in accordance with the community's wishes is merely the Applicant's preference. It is this preference that necessitates the variation.

5. *The variation will be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.*

As Mr. Hoadley credibly testified, granting the variation will detrimentally affect the building complex located next west of the subject property. Such complex is comprised of two buildings: 5353 North Kenmore (the "Kenmore building") and 1019-25 W Balmoral (the "Balmoral building"). The variation will allow the Applicant to build a four-story structure up against the north/south alley that bifurcates the Balmoral building from the subject property. Because of this, the variation will severely impact the light that reaches the dwelling units in the Balmoral building. Further, the light that reaches the existing rooftop decks on the Balmoral building will be also be blocked. Because of this, the ZONING BOARD OF APPEALS finds that granting the variation will injure property or improvements in the neighborhood.

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

The ZONING BOARD OF APPEALS finds that granting the variation will impair an adequate supply of light to adjacent property. As Mr. Hoadley testified, the variation will allow the Applicant to build the proposed building, which will block light to dwelling units and rooftop deck of the Balmoral building. Because the proposed building would include twenty parking spaces and is a transit-oriented development, the variation would not increase congestion in the public streets. As the proposed building would not be built pursuant to valid building permits, the variation would not increase the danger of fire or endanger the public safety. However, Mr. Hoadley credibly testified that the variation would block out most of the natural light to the Balmoral building. The ZONING BOARD OF APPEALS finds that such blockage of natural light could impair property values of dwelling units located in the Balmoral building.

IV. CONCLUSION

For all of these reasons, the ZONING BOARD OF APPEALS finds that the Applicant has not proved its case by evidence, testimony and the entire record, including

the Applicant's proposed Findings of Fact, covering the specific criteria for a variation pursuant to Sections.17-13-1107-A, B and C of the Chicago Zoning Ordinance.

The ZONING BOARD OF APPEALS hereby denies the Applicant' application for a variation.

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

APPROVED AS TO SUBSTANCE

By: 
Timothy Knudsen, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 6/21, 2021.


Janine Klich-Jensen

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

APPLICANT: 2141 West Belmont, LLC

CAL NO.: 116-21-S

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
March 19, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2141 W. Belmont Avenue

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

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE

APR 19 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
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 March 19, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on March 4, 2021; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated March 18, 2021, prepared by Hanna Architects.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 4/19, 2021

APPROVED AS TO SUBSTANCE



CHAIRMAN

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

APPLICANT: 3055 Lincoln Salon, LLC dba Metro Salon Suites

CAL NO.: 117-21-S

APPEARANCE FOR: E. Daniel Box

MINUTES OF MEETING:
March 19, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3055 N. Lincoln Avenue

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

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE

	AFFIRMATIVE	NEGATIVE	ABSENT
TIMOTHY R. KNUDSEN	X		
ZURICH ESPOSITO	X		
BRIAN H. SANCHEZ	X		
JOLENE SAUL	X		
SAM TOIA	X		

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

APR 19 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 19, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on March 4, 2021; and

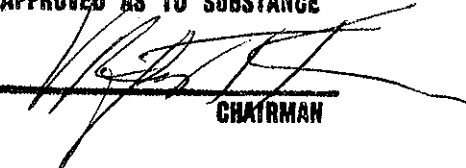
WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a hair / nail salon; expert testimony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

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 4/19, 2021

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Invisionit LR Inc. dba Flamant Nail Boutique

CAL NO.: 118-21-S

APPEARANCE FOR: E. Daniel Box

MINUTES OF MEETING:
March 19, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2703 N. Halsted Street

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

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE

APR 19 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
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 March 19, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on March 4, 2021; and

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

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 4/19, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

APPLICANT: 3300 Irving Construction, Inc. **CAL NO.:** 119-21-S
APPEARANCE FOR: Nicholas Ftikas **MINUTES OF MEETING:**
 March 19, 2021
APPEARANCE AGAINST: None
PREMISES AFFECTED: 3320 W. Irving Park Road

NATURE OF REQUEST: Application for a special use to convert an existing four-story, four dwelling unit building to a five dwelling unit building by converting the basement to a dwelling unit.

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE

APR 19 2021
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
 ZURICH ESPOSITO
 BRIAN H. SANCHEZ
 JOLENE SAUL
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

THE RESOLUTION:

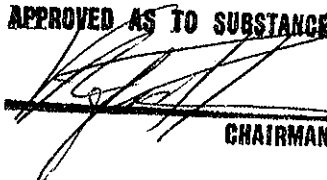
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on March 19, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune March 4, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to convert an existing four-story, four dwelling unit building to a five dwelling unit building by converting the basement to a dwelling unit; a related special use to the subject property was approved in Cal. No. 120-21-S; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated September 2, 2020, prepared by Michael J. Leary Architect, and the required parking space is provide in the adjacent 3300 W. Irving Park Road building, pursuant to ZBA#120-21-S.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 4/19, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: 3300 Irving Construction, Inc.

CAL NO.: 120-21-S

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
March 19, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3300 W. Irving Park Road

NATURE OF REQUEST: Application for a special use to establish one off-site parking space to serve the existing four-story, four dwelling unit building to be converted to a five dwelling unit building located at 3320 W. Irving Park Road.

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE

APR 19 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
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 March 19, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on March 4, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish one off-site parking space to serve the existing four-story, four dwelling unit building to be converted to a five dwelling unit building located at 3320 W. Irving Park Road; this special use is related to the special use approved in Cal. No. 119-21-S; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the development is consistent with the design and layout of the plans and drawings dated September 30, 2020, prepared by Michael J. Leary Architect.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 4/19, 2021.

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
WWW.CHICAGO.GOV/ZBA



MAY 24 2021

CITY OF CHICAGO
ZONING BOARD OF APPEALS

Heritage Russian Jewish Congregation

APPLICANT

121-21-S

CALENDAR NUMBER

2855 W. Touhy Avenue

PREMISES AFFECTED

March 19, 2021

HEARING DATE

ACTION OF BOARD

THE VOTE

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

Timothy Knudsen,
Chairman
Zurich Esposito
Brian Sanchez
Jolene Saul
Sam Toia

AFFIRMATIVE NEGATIVE ABSENT

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<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE SPECIAL USE APPLICATION FOR 2855 W.
TOUHY AVE. BY HERITAGE RUSSIAN JEWISH CONGREGATION.**

I. BACKGROUND

Heritage Russian Jewish Congregation (the "Applicant") submitted a special use application for 1943 W. Monterey Avenue (the "subject property"). The subject property is currently zoned B3-5 and is currently improved with a vacant one-story building (the "existing building"). The Applicant proposed to raze the existing building and construct a 318-seat religious assembly facility with 8 on-site parking spaces (the "proposed religious assembly facility"). In order to permit the religious assembly facility, the Applicant sought a special use. In accordance with Section 17-13-0903 of the Chicago Zoning Ordinance, the Zoning Administrator of the City's Department of Planning and Development (the "Zoning Administrator") recommended approval of the proposed religious assembly facility provided that: (1) the special use was issued solely to the Applicant; (2) the development was consistent with the design and layout of the plans and drawings dated November 23, 2020, prepared by Studio Saf, Limited (the "Plans"); (3) the fence (as shown on the Plans) was no more than five feet (5') in height and was set back a minimum five feet (5') from the subject property's property line as required by Section 17-11-0202 of the Chicago Zoning Ordinance; (4) both landscape areas (as shown on the Plans) complied with Section 17-11 of the Chicago Zoning Ordinance

(such section, the “Chicago Landscape Ordinance”); and (5) the parkway landscaping included sod and complied with all standards of the City’s Chicago Department of Transportation (“CDOT”).

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a remote public hearing¹ on the Applicant’s special use application at its regular meeting held on March 19, 2021, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Tribune*. In accordance with the ZONING BOARD OF APPEALS’ Rules of Procedure (eff. June 26, 2020), the Applicant had submitted its proposed Findings of Fact. The Applicant’s rabbi Mr. Eliezer Dimarsky and its attorney Mr. Thomas S. Moore were present. The Applicant’s project architect Mr. Sergei Safonov and its MAI certified real estate appraiser Mr. Joseph M. Ryan were present. The Assistant Zoning Administrator Mr. Steven Valenziano was present. Ms. Karen Elkin, of 2832 W. Fitch Avenue, was also present. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS’ Rules of Procedure and its Emergency Rules (eff. January 26, 2021).

The Applicant’s rabbi Mr. Eliezer Dimarsky offered testimony in support of the application.

The Applicant’s project architect Mr. Sergei Safonov offered testimony in support of the application.

The Applicant’s MAI certified appraiser Mr. Joseph M. Ryan offered testimony in support of the application.

Ms. Karen Elkin offered testimony in opposition to the application.

In response to Ms. Elkin’s testimony, Mr. Dimarsky offered further testimony.

In response to Ms. Elkin’s testimony, Mr. Safonov offered further testimony.

In response to Ms. Elkin’s testimony, the ZONING BOARD OF APPEALS asked the Zoning Administrator to clarify certain points as to: (1) the transferability of a special use; and (2) the parking requirement for the proposed special use.

The Assistant Zoning Administrator Mr. Steven Valenziano provided clarifying testimony; namely, (1) special uses were not transferable as are tied to the particular applicant; and (2) due to the size of the proposed religious assembly facility and the

¹ In accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 *et seq.*

underlying zoning district, no parking was required under the Chicago Zoning Ordinance for the proposed special use (or indeed for any retail, office or restaurant use with the same size building).

In response to Mr. Valenziano's testimony, Ms. Elkin offered further testimony.

In response to Ms. Elkin's testimony, Mr. Dimarsky offered further testimony.

In response to Mr. Dimarsky's testimony, Ms. Elkin offered further testimony.

B. Criteria for a Special Use

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

III. FINDINGS OF FACT

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

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

The subject property is zoned B3-5. As a religious assembly facility is a special use in B3 zoning districts, the Applicant requires a special use². The Applicant is seeking no other relief from the Chicago Zoning Ordinance. It is only the special use that brings it before the ZONING BOARD OF APPEALS. Since the ZONING BOARD OF APPEALS has decided to grant the special use to the Applicant, the Applicant's proposed special use therefore complies with all applicable standards of the Chicago Zoning Ordinance.

² See Section 17-3-0207(L) of the Chicago Zoning Ordinance.

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

The proposed special use is in the interest of the public convenience because it will allow the Applicant's congregation to relocate to a larger facility. As credibly testified to by Mr. Dimarsky, the Applicant has been in its current store-front location for twenty-three (23) years and has outgrown it. As the subject property is only one block away from the Applicant's current location, the proposed special use will allow the Applicant to remain in the area and continue to serve its congregation while allowing room for its congregation to grow. Moreover, the proposed special use will reactivate a property that is currently improved with an obsolete vacant building and non-landscaped parking lot with an attractive, landscaped religious assembly facility.

The proposed special use will not have a significant adverse impact on the general welfare of the neighborhood or community. As noted above, the Applicant has existed in the community for twenty-three (23) years. The Applicant's congregation is comprised of sixty (60) families, all of which live within one-half mile of the subject property. In fact, and as testified by Mr. Dimarsky, the majority of the Applicant's congregation lives in the Winston Towers complex, just a block from the subject property. As the Applicant's congregation is orthodox, the majority of travel to and from the proposed religious assembly facility will be by foot and not by car. Thus, the proposed special use will not generate much vehicular traffic. Indeed, and as very credibly testified to by Mr. Dimarsky, the proposed special use itself is not a high-intensity, continuous use. Instead, the proposed special use will be used for the Applicant's services. During the week, this service will include only about twelve people. On Saturday, the service will include the entire congregation. Otherwise, the proposed religious assembly facility will have only the Applicant's four employees. As this section of Touhy is residential on the north side and improved with small business, office and restaurant use on the south side, the Applicant's proposed special use will be complementary to the residential use on the north and will not interfere with the business, office and restaurant use on the south. The proposed special use will also be complementary to the residential use to the south of the subject property (i.e., the residential use south of the east/west alley at the rear of the subject property).

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

As can be seen from the Plans, the proposed special use is compatible with the character of the surrounding area in terms of site planning and building scale and project design. In terms of site planning, the proposed religious assembly facility will be a great improvement on the current streetscape with new and attractive landscaping on both the subject property itself and in the parkway. In terms of building scale, the proposed religious assembly facility will be one-story – just like the majority of non-residential buildings on this section of Touhy. In terms of project design, despite the fact that the Applicant has no parking requirement³, the Applicant is providing eight on-site parking spot which will ensure that any parking needs of the Applicant will be kept on-site and off of the surrounding streets. Further, vehicular ingress and egress to the subject property will occur off of Francisco rather than Touhy, ensuring that there will be no back-up on Touhy from the proposed special use.

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

As noted above, the proposed special use is compatible with the surrounding area in terms of operating characteristics. The ZONING BOARD OF APPEALS finds Mr. Dimarsky to be a very credible witness in terms of how the Applicant's religious assembly currently operates. The religious assembly currently operates in such a manner that is highly compatible with the residential use surrounding it. Indeed, this is why religious assembly use is a permitted use in residential zoned districts. Nevertheless, the proposed special use is also compatible with the small scale businesses that line the south side of this section of Touhy. Again, because the Applicant's congregation is orthodox, it will not generate much traffic. Its hours of operation will not conflict with either the nearby residential use or nearby small scale business use. The proposed special use will not generate any additional outdoor lighting and all activities will occur indoors.

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

As can be seen from comparing the Plans to the photographs of the subject property, the proposed special use will be a great improvement to the current streetscape. Pedestrians walking past the subject property will have new, attractive landscaping on both the subject property itself and in the parkway. As can also be seen from the plans, there are clear lines of sight for both pedestrians and drivers for the Applicant's curb cut off of Francisco. Based on this, the

³ Section 17-10-0207(I) of the Chicago Zoning Ordinance.

ZONING BOARD OF APPEALS finds the proposed special use is designed to promote pedestrian safety and comfort.

IV. CONCLUSION

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

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

1. The special use shall be issued solely to the Applicant;
2. The development shall be consistent with the Plans;
3. The fence (as shown on the Plans) shall be more than five feet (5') in height and shall be set back a minimum five feet (5') from the subject property's property line as required by Section 17-11-0202 of the Chicago Zoning Ordinance;
4. Both landscape areas (as shown on the Plans) shall comply with the Chicago Landscape Ordinance; and
5. The parkway landscaping shall include sod and shall comply with all CDOT standards.

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

APPROVED AS TO SUBSTANCE

By: 
Timothy Knudsen, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 5/24, 2021.


Janine Klich-Jensen

**ZONING BOARD OF APPEALS
CITY OF CHICAGO**

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



JUN 21 2021

**CITY OF CHICAGO
ZONING BOARD OF APPEALS**

Rich Gillman

APPLICANT

122-21-Z

CALENDAR NUMBER

March 19, 2021

HEARING DATE

1243 W. Marion Court

PREMISES AFFECTED

ACTION OF BOARD

THE VOTE

The application for the variation is denied.

Timothy Knudsen,
Chairman
Zurich Esposito
Brian Sanchez
Jolene Saul
Sam Toia

AFFIRMATIVE NEGATIVE ABSENT

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**FINDINGS OF THE ZONING BOARD OF APPEALS
IN THE MATTER OF THE VARIATION APPLICATION FOR 1243 W.
MARION COURT BY RICH GILLMAN.**

I. BACKGROUND

Rich Gillman (the "Applicant") submitted a variation application for 1243 W. Marion Court (the "subject property"). The subject property is zoned RS-3 and is currently vacant. The Applicant proposed to construct a new single-family residence and detached garage (the "proposed home"). In order to permit the proposed home, the Applicant sought a variation to reduce: (1) the front setback along N. Honore from the required 25.21' to 2'; (2) individual side setbacks from 2' to 1' on the north and 3' on the south; (3) combined side setback from 4.8' to 4'; and (4) the parking setback from the property line to prevent obstruction of the sidewalk by parked cars from 20' to 2'.

II. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a remote public hearing¹ on the Applicant's variations at its regular meeting held on March 19, 2021, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago

¹ In accordance with Section 7(e) of the Open Meetings Act, 5 ILCS 120/1 *et seq.*

Zoning Ordinance and by publication in the *Chicago Tribune*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure (eff. June 26, 2020), the Applicant had submitted its proposed Findings of Fact. The Applicant Mr. Rich Gillman and his attorney Mr. Thomas S. Moore were present. The Applicant's architect Mr. Jack Stoneberg was present. The Assistant Zoning Administrator Mr. Steven Valenziano was present. Mr. Juan Morado, Jr., Ms. Tara Kamra, Mr. Eric Peters were present. Mr. Nicholas Zettel the policy director for first ward alderman Daniel La Spata (the "Alderman") was also present. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure and its Emergency Rules (eff. January 26, 2021).²

The Applicant's attorney Mr. Thomas Moore provided an overview of the variation application. In particular, Mr. Moore recounted that while the Applicant had been rehabilitating the prior building on the subject property (the "prior building"), the prior building had collapsed.

The Applicant Mr. Rich Gillman offered testimony in support of the application.

The Applicant's architect Mr. Jack Stoneberg offered testimony in support of the application.

The Assistant Zoning Administrator Mr. Steven Valenziano offered clarifying testimony to assist the ZONING BOARD OF APPEALS.

Mr. Juan Morado, of 71 S. Wacker Drive, offered testimony in opposition to the application.

Ms. Tara Kamra, of 1245 N. Marion Court, offered testimony³ in opposition to the application.

Mr. Mark Peters, also of 1245 N. Marion Court, offered testimony in opposition to the application.

In response to questions by the ZONING BOARD OF APPEALS, Ms. Kamra offered further testimony.

Mr. Peters offered further testimony.

² Such Emergency Rules were issued by the Chairman of the ZONING BOARD OF APPEALS in accordance with his emergency rule-making powers set forth in the Rules of Procedure.

³ As a point of clarification, Ms. Kamra was understandably mistaken about the zoning relief sought by the Applicant in 2020. The Applicant – as explained by Mr. Moore and as testified to by Mr. Valenziano – sought and received an administrative adjustment from the Zoning Administrator for his rehabilitation of the prior building. The Applicant did not seek a variation from the ZONING BOARD OF APPEALS at that time. *Cf.* 17-13-1000 *et seq.* of the Chicago Zoning Ordinance *with* 17-13-1100 *et seq.* of the Chicago Zoning Ordinance.

In response to further questions by the ZONING BOARD OF APPEALS, Ms. Kamra offered further testimony.

In response to the testimony of Mr. Morado, Ms. Kamra, Mr. Peters and Mr. Zettel, Mr. Gillman offered further testimony in support of the application.

In response to the testimony of Mr. Morado, Ms. Kamra, Mr. Peters and Mr. Zettel, Mr. Stoneberg offered further testimony in support of the application.

Mr. Gillman then offered further testimony in support of the application.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Moore provided an explanation.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Stoneberg and Mr. Gillman offered further testimony in support of the application.

B. Criteria for a Variation

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

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

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

presently having an interest in the property; (5) the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and (6) the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

III. FINDINGS OF FACT.

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

1. *Strict compliance with the regulations and standards of the Chicago Zoning Ordinance would not create practical difficulties or particular hardships for the subject property.*

In order to determine whether a practical difficulty or particular hardship exists, the ZONING BOARD OF APPEALS must take into account the extent to which evidence has been submitted that the proposed variation will not endanger the public safety. In the instant case, the ZONING BOARD OF APPEALS finds that as the Applicant needs the proposed variation to construct the proposed home, the Applicant's proposed variation will endanger the public safety. While the Applicant argued at the hearing that the collapse of the prior building was (in the words of his attorney) a "tragedy," the ZONING BOARD OF APPEALS finds that the collapse of the prior building occurred because the Applicant did not prioritize construction safety. Further, after the prior building's collapse, he did not prioritize basic clean-up of the subject property and instead let the subject property become infested with garbage.

Indeed, the ZONING BOARD OF APPEALS finds that the Applicant had zero credibility as a witness, especially with respect to construction safety. In particular, his testimony that he is a real estate developer that has done many successful projects in the City and was "horrified" by what occurred on the subject property cannot be reconciled by his inability to recall basic details regarding the collapse of the prior building on the subject property, such as whether or not he had been cited for the collapse. In contrast, the ZONING BOARD OF APPEALS finds that the testimony of Ms. Kamra and Mr. Peters to be very credible in recounting the Applicant's lack of safety measures when rehabilitating the prior building. Ms. Kamra was also very credible in recounting the subject property in the aftermath of the prior building's collapse; namely, that the Applicant did not take basic steps to clean up and secure the subject property.

While the ZONING BOARD OF APPEALS can understand that the Applicant's general contractor and subcontractors might be in litigation not only with each other but also with their insurers, the Applicant's failure to provide basic clean-up on the subject property or even contact his own insurance company after several months of silence is completely at odds with his testimony that all he wished was that the neighbors could be "made whole."

Moreover, in order to find that practical difficulty or particular hardship exists, the ZONING BOARD OF APPEALS must find: (1) that the property in question cannot yield a reasonable return without the proposed variation; (2) that the practical difficulties or particular hardships are due to unique circumstances not generally applicable to other similarly situated properties; and (3) that the variation, if granted, will not alter the essential character of the neighborhood. As set forth in greater detail below, the Applicant failed to prove to the ZONING BOARD OF APPEALS that the subject property cannot realize a reasonable return without the variation and failed to prove that the variation, if granted, will not alter the essential character of the neighborhood. As also set out in greater detail below, the ZONING BOARD OF APPEALS also finds that the practical difficulties or particular hardships are not due to unique circumstances.

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

The requested variation will allow the Applicant to build the proposed home. As set forth above, the ZONING BOARD OF APPEALS finds that the Applicant cannot build the proposed home without endangering the public safety. Thus, the proposed variation is inconsistent with Section 17-1-0501 of the Chicago Zoning Ordinance as it will not promote the public health, safety and general welfare. Further, the proposed variation is inconsistent with Section 17-1-0502 of the Chicago Zoning Ordinance as it will not preserve the overall quality of life for residents and visitors.

In addition, pursuant to Section 17-1-0513 of the Chicago Zoning Ordinance, the purpose and intent of the Chicago Zoning Ordinance is to "establis[h] clear and efficient development review and approval procedures." One such procedure is the requirement that the ZONING BOARD OF APPEALS may not approve a variation unless it makes findings, based on the evidence submitted to it in each case, that strict compliance with the regulations and standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships for the subject property. Since the ZONING BOARD OF APPEALS declines to find that strict compliance with the regulations and standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships for the

subject property, the requested variation is not consistent with the Chicago Zoning Ordinance's clear and efficient development review and approval procedures.

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

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

It is up to the Applicant to prove his case. The Applicant did not provide any credible evidence to this criterion. In his proposed Findings of Fact, the Applicant noted only that the subject property was undersized and a through lot. At the hearing, the Applicant testified only that he did not believe that people would not want to live in a new home without a garage. This is speculative at best and, as set forth above, the Applicant had zero credibility as a witness. Tellingly, the Applicant did not provide any basic economic analysis, such as cost of land, cost of construction and what he estimated his return on the subject property to be both with and without the variation.

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

The Applicant argued that the subject property is both undersized and a through lot. However, the ZONING BOARD OF APPEALS finds that in the instant matter, being undersized and a through lot is not a unique circumstance and is instead generally applicable to other similarly situated property. In fact, and as credibly testified by Ms. Kamra, every property on the east side of Marion Court at this location is undersized in the fact that they are all "short lots." Moreover, every property on the east side of Marion Court at this location is also a through lot as there is no alley between Marion Court and Honore Court at this location.

3. *The Applicant failed to prove that the variation, if granted, will not alter the essential character of the neighborhood.*

It is up to the Applicant to prove his case. The Applicant provided no credible evidence that the proposed variation will not alter the essential character of the neighborhood. Indeed, as can be seen from the photographs submitted by the Applicant, the neighborhood is predominately made up of older housing stock with very traditional façades. Indeed, the prior building on the subject property

was a workman's cottage. This characterization of the neighborhood is bolstered by Ms. Kamra's testimony: her home is 140 years old and many of her neighbors have lived in their homes for 50 or more years and are the second generation of their families to live in the homes. Based on this, it is far more likely that the proposed home – with its very modern façade – would alter the essential character of the neighborhood. As the proposed variation is necessary to construct the proposed home, the proposed variation would also likely alter the essential character of the neighborhood.

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

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

While the subject property is both undersized and a thorough lot, the ZONING BOARD OF APPEALS fails to see how this results in particular hardship upon the Applicant. The Applicant purchased the subject property as a development property and therefore knew the limitations of the subject property when he purchased it. Indeed, as testified by Mr. Morado, the Applicant purchased the subject property for only \$500,000 – a price that Ms. Kamra testified was \$110,000 less than the prior sale of the subject property. Mr. Morado further testified that immediately after purchasing the subject property, the Applicant listed the subject property for \$1.5 million. Due to the collapse of the prior building, the Applicant clearly did not make this anticipated profit. Nevertheless, it is apparent from looking at the plans of the proposed home that the Applicant's request for the variation is an attempt to similarly maximize the Applicant's profit out of the subject property. This is not hardship; this is, at most a mere inconvenience.

2. *The conditions upon which the petition for the variation are based would be applicable, generally, to other property within the same zoning classification.*

The Applicant purchased the subject property as a development property. Although the Applicant argued at the hearing that he requested the variation because the subject property was both undersized and a through lot, the fact remains that the Applicant purchased the subject property for a low price with the intention of rehabilitating the prior building quickly and cheaply so that he could resell the subject property at one-and-half times the purchase price. In this, the

ZONING BOARD OF APPEALS finds Mr. Morado, Ms. Kamra and Mr. Peters to be very credible witnesses. Again, the ZONING BOARD OF APPEALS finds that Mr. Gillman had zero credibility as a witness. Due to the Applicant's desire to rehabilitate quickly and cheaply, he ignored construction safety at the subject property and the prior building collapsed. Because of this, he now seeks the requested variation from the ZONING BOARD OF APPEALS so that he can still re-sell the subject property for a high price. Therefore, the actual condition for which the variation is based is recoup of profit. This is a condition that is applicable, generally, to other property within the RS-3 zoning district.

3. *The purpose of the variation is based exclusively upon a desire to make more money out of the property.*

The ZONING BOARD OF APPEALS finds that the purpose of the variation is based exclusively upon a desire to make more money out of the subject property. In this, the ZONING BOARD OF APPEALS finds Mr. Morado, Ms. Kamra and Mr. Peters to be very credible witnesses. Mr. Morado and Ms. Kamra testified that the Applicant purchased the subject property for \$500,000. Mr. Morado further testified that the Applicant subsequently marketed the subject property for \$1.5 million. Again, the ZONING BOARD OF APPEALS finds that Mr. Gillman had zero credibility as a witness. Due to the Applicant's desire to rehabilitate the prior building quickly and cheaply, he ignored construction safety at the subject property and the prior building collapsed. Because of this, he now seeks the requested variation from the ZONING BOARD OF APPEALS so that he – as can be seen by reviewing the plans for the proposed home with the plat of survey for the subject property – can maximize his profit out of the subject property.

4. *The alleged practical difficulty or particular hardship has been created by a person presently having an interest in the property.*

The Applicant argued that the alleged practical difficulty or particular hardship in this instance was the fact that the subject property was undersized and a through lot. However, the actual reason for the variation is because the Applicant – through his poor construction safety – caused the prior building on the subject property to collapse, and the Applicant was left with an empty lot. In other words, but for the Applicant's own actions, he would not be requesting the proposed variation. Thus, the alleged practical difficulty or particular hardship in this matter has been created solely by the Applicant.

5. *The granting of the variation will be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.*

As set forth above, the ZONING BOARD OF APPEALS finds that the Applicant's proposed variation will endanger the public safety. In particular, the last time the Applicant attempted construction on the subject property, the prior building collapsed and fell on the improvements at both 1241 N. Honore and 1245 N. Honore. Ms. Kamra's testimony regarding the destruction to her home was very credible. Due to the Applicant's complete lack of credibility at the hearing regarding construction safety, the ZONING BOARD OF APPEALS finds that should the variation be granted, the proposed variation would cause further injury and damage to the improvements at 1241 and 1245 N. Honore.

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

From the plans of the proposed home, it is clear that the variation will not impair an adequate supply of light and air to adjacent properties. As the proposed home will have on-site parking, the variation will not increase congestion in the public streets. However, as set forth in great detail above, as the variation will allow the Applicant to build the proposed home, the variation will endanger the public safety. It will also – due to the Applicant's poor construction safety and lack of care regarding construction site clean-up (including allowing garbage to remain on the subject property long after the collapse of the prior building) – substantially diminish or impair property values within the neighborhood.

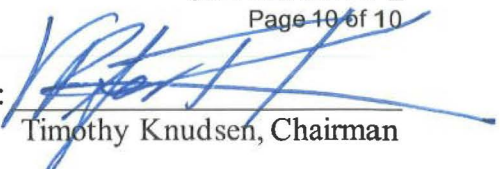
IV. CONCLUSION

For all of these reasons, the ZONING BOARD OF APPEALS finds that the Applicant has not proved his case by evidence, testimony and the entire record, including the Applicant's proposed Findings of Fact, covering the specific criteria for a variation pursuant to Sections 17-13-1107-A, B and C of the Chicago Zoning Ordinance.

The ZONING BOARD OF APPEALS hereby denies the Applicant's application for a variation.

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

APPROVED AS TO SUBSTANCE

By: 
Timothy Knudsen, Chairman

I, Janine Klich-Jensen, staff person for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 6/21, 2021.


Janine Klich-Jensen

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

APPLICANT: Lakeview Beer Wine & Spirits Inc. CAL NO.: 123-21-S

APPEARANCE FOR: Thomas Moore MINUTES OF MEETING:

March 19, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3221 N. Broadway

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

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE

APR 19 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
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 March 19, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on March 4, 2021; and

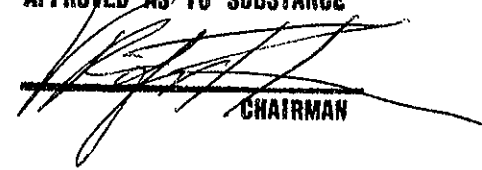
WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a liquor store; expert testimony was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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the special use is issued solely to the applicant, Lakeview Beer Wine & Spirits Inc., and the development is consistent with the design and layout of the plans and drawings dated March 18, 2021, prepared by Rendex Design.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 4/19, 2021.

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: LM Catering, LLC

CAL NO.: 124-21-S

APPEARANCE FOR: Elizabeth Santis

MINUTES OF MEETING:
March 19, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 327 N. Bell Avenue

NATURE OF REQUEST: Application for a special use to establish a small venue (1-149 occupancy) located on the second floor only within an existing three-story building.

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE

APR 19 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
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 March 19, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on March 4, 2021; and

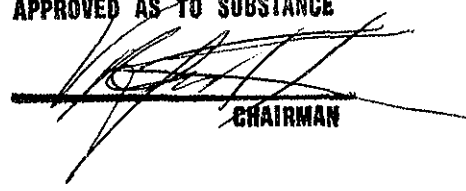
WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a small venue (1-149 occupancy) located on the second floor only within an existing three-story building; a related special use was approved in Cal. No. 125-21-S; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided: (1) the special use is issued solely to the applicant, LM Catering, LLC, (2) the development is consistent with the design and layout of the plans and drawings dated December 17, 2020, with site plan dated March 11, 2021, prepared by DAAM Architects; and (3) the required parking is provided at 330 N. Leavitt Avenue, pursuant to ZBA #125-21-S.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 4/19, 2021

APPROVED AS TO SUBSTANCE


CHAIRMAN

APPLICANT: LM Catering, LLC

CAL NO.: 125-21-S

APPEARANCE FOR: Elizabeth Santis

MINUTES OF MEETING:
March 19, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 330 N. Leavitt Avenue

NATURE OF REQUEST: Application for a special use to establish an accessory off-site parking lot containing twenty-two parking stalls to serve the proposed small venue use located at 327 N. Bell Avenue.

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE

APR 19 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
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 March 19, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on March 4, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish an accessory off-site parking lot containing twenty-two parking stalls to serve the proposed small venue use located at 327 N. Bell Avenue; a related special use was approved in Cal. No. 124-21-S; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the special use is issued solely to the applicant, LM Catering, LLC and the development is consistent with the design and layout of the plans and drawings dated March 11, 2021, prepared by DAAM Architects.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 4/19, 2021.

APPROVED AS TO SUBSTANCE

CHAIRMAN

APPLICANT: Thistle & Palm Salon, LLC

CAL NO.: 126-21-S

APPEARANCE FOR: Patrick Turner

MINUTES OF MEETING:
March 19, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1657 W. Division Street

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

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE

APR 19 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
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 March 19, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune } March 4, 2021; and

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

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 4/19, 2021

APPROVED AS TO SUBSTANCE

CHAIRMAN

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

APPLICANT: CIBC Bank USA

CAL NO.: 127-21-S

APPEARANCE FOR: Michael Yip

MINUTES OF MEETING:

March 19, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 3040 W. 111th Street

NATURE OF REQUEST: Application for a special use to expand an existing bank with drive through facility by adding an ATM with drive through facility.

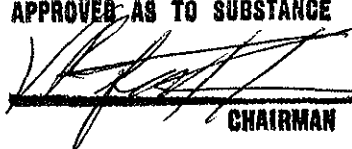
ACTION OF BOARD – Continued to April 16, 2021

THE VOTE

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

TIMOTHY R. KNUDSEN
 ZURICH ESPOSITO
 BRIAN H. SANCHEZ
 JOLENE SAUL
 SAM TOIA

APR 19 2021
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

APPROVED AS TO SUBSTANCE

 CHAIRMAN

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

APPLICANT: Green Beginnings, LLC

CAL NO.: 128-21-S

APPEARANCE FOR: Sara Barnes

MINUTES OF MEETING:
March 19, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1376 W. Carroll Avenue

NATURE OF REQUEST: Application for a special use to establish and operate a day care facility in excess of 4,500 square feet but less than 12,000 square feet within an existing two-story building.

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE

APR 19 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
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 March 19, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune March 4, 2021; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish and operate a day care facility in excess of 4,500 square feet but less than 12,000 square feet within an existing two-story building; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject site; the Board finds the use complies with all applicable standards of this Zoning Ordinance; is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of neighborhood or community; is compatible with the character of the surrounding area in terms of site planning and building scale and project design; is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and is designed to promote pedestrian safety and comfort; it is therefore

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided: (1) the special use is issued solely to the applicant, Green Beginnings, LLC, (2) the development is consistent with the design and layout of the plans and drawings dated January 28, 2021, with Landscape and Parking Plan dated March 18, 2021, prepared by CBD Architects; and (3) the applicant maintains the required seven parking spaces and four drop off spaces.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 4/19/21

APPROVED AS TO SUBSTANCE

CHAIRMAN

APPLICANT: Fuzzy Urban Tails, LLC

CAL NO.: 420-20-S

APPEARANCE FOR: Paul Kolpak

MINUTES OF MEETING:
March 19, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2608 W. Fullerton Avenue

NATURE OF REQUEST: Application for a special use to establish a dog boarding kennel and daycare.

ACTION OF BOARD – Continued to April 16, 2021

THE VOTE

[Faint stamp]

APR 19 2021

CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

[Handwritten Signature]
CHAIRMAN

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

APPLICANT: Chicago Egret Badminton, LLC

CAL NO.: 12-21-S

APPEARANCE FOR: Ximena Castro

MINUTES OF MEETING:
March 19, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1936 W. 17th Street

NATURE OF REQUEST: Application for a special use to establish a badminton (sports and recreation participant) facility.

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE

APR 19 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
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 March 19, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on January 4, 2021; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the special use is issued solely to the applicant, Chicago Egret Badminton, LLC: the development is consistent with the design and layout of the floor plan dated March 8, 2021 prepared by Obora & Associates; and (3) all the existing rocks lining the public right of way are removed.

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 4/19/21

APPROVED AS TO SUBSTANCE


CHAIRMAN

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

APPLICANT: Govind Associates, LLC **CAL NO.:** 33-21-S
APPEARANCE FOR: Paul Kolpak **MINUTES OF MEETING:**
March 19, 2021
APPEARANCE AGAINST: None
PREMISES AFFECTED: 3501-05W. Roosevelt / 1200-14 S. St. Louis Avenue

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

ACTION OF BOARD – Continued to April 16, 2021

THE VOTE

APR 19 2021
 CITY OF CHICAGO
 ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
 ZURICH ESPOSITO
 BRIAN H. SANCHEZ
 JOLENE SAUL
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

[Signature]
CHAIRMAN

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

APPLICANT: Canna B Growth, LLC

CAL NO.: 37-21-S

APPEARANCE FOR: Charlotte Hoffman

MINUTES OF MEETING:
March 19, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4411 W. Carroll Street

NATURE OF REQUEST: Application for a special use to establish a cannabis craft grow facility.

ACTION OF BOARD – Continued to April 16, 2021

THE VOTE

APR 19 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE

[Signature]
CHAIRMAN

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

APPLICANT: Canna B Growth, LLC

CAL NO.: 38-21-S

APPEARANCE FOR: Charlotte Hoffman

MINUTES OF MEETING:
March 19, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4411 W. Carroll Street

NATURE OF REQUEST: Application for a special use to establish a cannabis processor facility.

ACTION OF BOARD – Continued to April 16, 2021

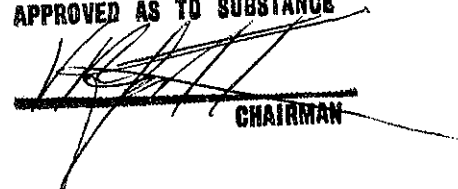
THE VOTE

APR 19 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
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: Just Us Salon
APPEARANCE FOR: Same as Applicant
APPEARANCE AGAINST: None
PREMISES AFFECTED: 4056 W. Division Street

CAL NO.: 43-21-S

MINUTES OF MEETING:
March 19, 2021

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

ACTION OF BOARD – APPLICATION APPROVED

THE VOTE

APR 19 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
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 March 19, 2021 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on January 4, 2021; and

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

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

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

I, Janine Klich-Jensen, Project Coordinator for the ZONING BOARD OF APPEALS, certify that I caused this to be placed in the USPS mail at 121 North LaSalle Street, Chicago, IL on 4/19/21

APPROVED AS TO SUBSTANCE

CHAIRMAN

APPLICANT: Real Vet West Loop, LLC

CAL NO.: 60-21-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:
March 19, 2021

APPEARANCE AGAINST: None

PREMISES AFFECTED: 451-57 N. Elizabeth Street

NATURE OF REQUEST: Application for a variation to reduce the front setback from the minimum required 12' to zero, rear setback from 30' to 12' for a proposed three-story veterinary, animal boarding and day care establishment with basement and seventeen car parking lot.

ACTION OF BOARD – Continued to April 16, 2021

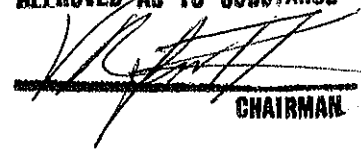
THE VOTE

APR 10 2021
CITY OF CHICAGO
ZONING BOARD OF APPEALS

TIMOTHY R. KNUDSEN
ZURICH ESPOSITO
BRIAN H. SANCHEZ
JOLENE SAUL
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE



CHAIRMAN