

DECEMBER 20, 2019

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

**APPLICANT:** Completely Styled

**CAL NO.:** 551-19-S

**APPEARANCE FOR:** Same as Applicant

**MINUTES OF MEETING:**

December 20, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2406 W. 111<sup>th</sup> Street

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

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

**JAN 17 2020**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**THE RESOLUTION:**

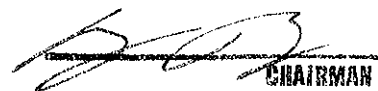
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a 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 issue.

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Sunita Shrivastava dba Silky Threading, Waxing, Nails, Hair & Body Tan Salon Cal. No. 597-19-S

**APPEARANCE FOR:** Same as Applicant

**MINUTES OF MEETING:**  
December 20, 2019

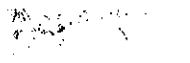
**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1051-53 W. Granville Avenue

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

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

  
  
**JAN 17 2020**  
  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

FARZIN PARANG  
 ZURICH ESPOSITO  
 SYLVIA GARCIA  
 JOLENE SAUL  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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X		

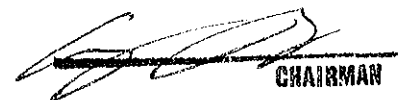
**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 5, 2019; and

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

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

APPROVED AS TO FORM AND CONTENT

  
 CHAIRMAN

APPLICANT: AGC, Holdings, Inc.

CAL NO.: 598-19-Z

APPEARANCE FOR: Fred Agustin

MINUTES OF MEETING:

December 20, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2450 W. Flourmoy Street

NATURE OF REQUEST: Application for a variation to reduce the minimum lot area per dwelling unit from the required 1,000 square feet to 998 square feet for a proposed three-story, three dwelling unit building.

**ACTION OF BOARD-**

Continued to January 17, 2020 at 2:00 p.m.

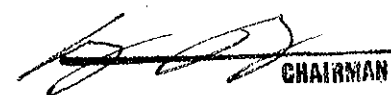
**THE VOTE**

JAN 17 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
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:** Urbane Home, LLC – 1459 North Park **CAL NO.:** 599-19-Z

**APPEARANCE FOR:** Nicholas Ftikas **MINUTES OF MEETING:**  
December 20, 2019

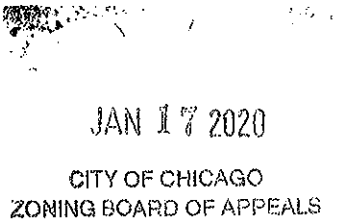
**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1469-61 N. North Park Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 28.62' to 17', north side setback from 2' to 1' (south to be 3'), combined side setback from 5' to 4' for a proposed three-story, single- family residence.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

  
 JAN 17 2020  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

FARZIN PARANG  
 ZURICH ESPOSITO  
 SYLVIA GARCIA  
 JOLENE SAUL  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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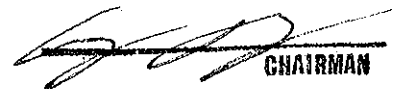
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 17', north side setback to 1' (south to be 3'), combined side setback to 4' for a proposed three-story, single- family residence; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Adelina Pavia **CAL NO.:** 600-19-Z

**APPEARANCE FOR:** Same as Applicant **MINUTES OF MEETING:**

December 20, 2019


**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1618 N. Avers Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the front setback from the required 15.25' to 9.58', north side setback from 2' to 1' (south to be 5.9'), combined side setback to be 6.9' to remove and replace the front and rear porch and construct a new rooftop deck on the existing garage.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

  
  
 JAN 17 2020  
  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

FARZIN PARANG  
 ZURICH ESPOSITO  
 SYLVIA GARCIA  
 JOLENE SAUL  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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 December 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the front setback to 9.58', north side setback to 1' (south to be 5.9'), combined side setback to be 6.9' to remove and replace the front and rear porch and construct a new rooftop deck on the existing 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.

**APPROVED AS TO SUBSTANCE**

  
 CHAIRMAN

**APPLICANT:** Fox Chicago, LLC

**CAL NO.:** 601-19-Z

**APPEARANCE FOR:** Mark Kupiec

**MINUTES OF MEETING:**  
December 20, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1906 S. Carpenter Street

**NATURE OF REQUEST:** Application for a variation to reduce the north side setback from 2' to .88', (south to be 2.76') combined side setback from 5' to 3.64' for a proposed two and three-story, two dwelling unit building.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

JAN 17 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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 December 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the north side setback to .88', (south to be 2.76') combined side setback to 3.64' for a proposed two and three-story, two dwelling unit building; an additional variation was granted in Cal. No. 602-19-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

**APPROVED AS TO SUBSTANCE**

  
CHAIRMAN

**APPLICANT:** Fox Chicago, LLC

**CAL NO.:** 602-19-Z

**APPEARANCE FOR:** Mark Kupiec

**MINUTES OF MEETING:**

December 20, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1906 S. Carpenter Street

**NATURE OF REQUEST:** Application for a variation to reduce the rear yard open space from the required 162.5 square feet to zero for a proposed two and three-story, two dwelling unit building.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

JAN 17 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		

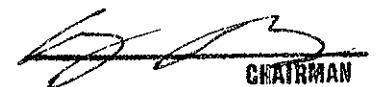
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear yard open space from the required 162.5 square feet to zero for a proposed two and three-story, two dwelling unit building; an additional variation was granted in Cal. No. 601-19-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

**APPROVED AS TO SUBSTANCE**

  
CHAIRMAN



APPLICANT: Rule Transfer IL, Inc.

Cal. No. 603-19-S

APPEARANCE FOR: Tyler Manic

MINUTES OF MEETING:  
December 20, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 4058-4102 W. Peterson Avenue

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

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

JAN 17 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
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 December 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 5, 2019; and

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

RESOLVED, that the aforesaid special use request be and it hereby is approved and the Zoning Administrator is authorized to permit said special use subject to the following condition(s): provided the special use is issued solely to the applicant Rule Transfer IL, Inc., and the development is consistent with the design and layout of the plans and drawings dated May 9, 2018, including the landscape plan dated December 4, 2019, all prepared by Design Studio 24, LLC. In regards to the elevations, the development should be consistent with the materials called out on the drawings, which include face brick, aluminum storefronts with clear glazing, and painted steel lintels.

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

**APPROVED AS TO SUBSTANCE**

  
CHAIRMAN

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

**APPLICANT:** Christal Deese dba The Beauty and Barber Lounge, LLC

Cal. No. 604-19-S

**APPEARANCE FOR:** Same as Applicant

**MINUTES OF MEETING:**  
December 20, 2019

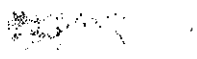
**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 7242 S. Wentworth Avenue

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

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**



JAN 17 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 5, 2019; and

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

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

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

**APPROVED AS TO SUBSTANCE**

  
CHAIRMAN

**APPLICANT:** Bombs, LLC **CAL NO.:** 605-19-Z  
**APPEARANCE FOR:** Same as Applicant **MINUTES OF MEETING:**  
December 20, 2019  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 5437 W. Gladys Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the front setback from the required 16.7' to 0.75', west setback from 3.44' to 2.15' (east to be 15.38') combined side setback to be 17.53', the setback from the rear property line for enclosed parking from 2' to 0.65' for a proposed rear addition, rear open deck, detached two-car garage and a new 5' tall solid fence at the front of an existing single family residence.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

JAN 17 2020  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

FARZIN PARANG  
 ZURICH ESPOSITO  
 SYLVIA GARCIA  
 JOLENE SAUL  
 SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
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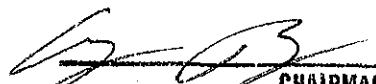
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the front setback to 0.75', west setback to 2.15' (east to be 15.38') combined side setback to be 17.53', the setback from the rear property line for enclosed parking to 0.65' for a proposed rear addition, rear open deck, detached two-car garage and a new 5' tall solid fence at the front of an existing single family residence; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

**APPROVED AS TO SUBSTANCE**

  
 CHAIRMAN

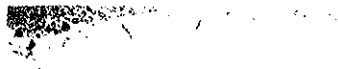
**ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905**

**APPLICANT:** Epitome of She, LLC Cal. No. 606-19-S  
**APPEARANCE FOR:** Same as Applicant **MINUTES OF MEETING:**  
December 20, 2019  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 8301 S. Stony Island, Unit B

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

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**



JAN 17 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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**THE RESOLUTION:**

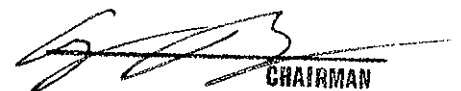
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on December 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a 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.

**APPROVED AS TO SUBSTANCE**

  
CHAIRMAN

**APPLICANT:** Cuddle Bunny, LLC

Cal. No. 607-19-S

**APPEARANCE FOR:** Lauren Cichowski

**MINUTES OF MEETING:**  
December 20, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2901 N. Clark Street

**NATURE OF REQUEST:** Application for a special use to establish an animal services (boarding) facility.

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

JAN 17 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

**THE RESOLUTION:**

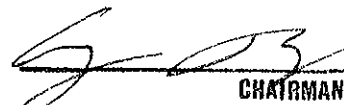
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish an animal services (boarding) 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 Cuddle Bunny, LLC, and the development is consistent with the design and layout of the plans and drawings dated August 26, 2019, prepared by BBA Architects, Inc.

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

**APPROVED AS TO SUBSTANCE**

  
CHAIRMAN

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

**APPLICANT:** Michael Steinmetz

**CAL NO.:** 608-19-Z

**APPEARANCE FOR:** Nicholas Ftikas

**MINUTES OF MEETING:**

December 20, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2944 W. Morse Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the combined side setback from the required 12.75' to 10.17' (west to remain at 4.6' and east to be 5.57'), for a proposed two-story addition to the side and rear of the existing single family residence.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

JAN 17 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
	X	
X		
X		
X		

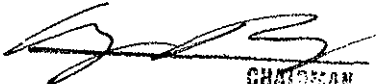
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the combined side setback to 10.17' (west to remain at 4.6' and east to be 5.57'), for a proposed two-story addition to the side and rear of the existing single family residence; an additional variation was granted to the subject property in Cal. No. 609-19-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

**APPROVED AS TO SUBSTANCE**

  
CHAIRMAN

**APPLICANT:** Michael Steinmetz

**CAL NO.:** 609-19-Z

**APPEARANCE FOR:** Nicholas Ftikas

**MINUTES OF MEETING:**

December 20, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2944 W. Morse Avenue

**NATURE OF REQUEST:** Application for a variation to increase the floor area ratio from the maximum 0.65 to 0.74 for a proposed two story addition to the rear and side of the existing single family residence.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

JAN 17 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
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 December 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to increase the floor area ratio to 0.74 for a proposed two story addition to the rear and side of the existing single family residence; an additional variation was granted to the subject property in Cal. No. 608-19-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

APPLICANT: Mt. Zion Anglican Church Cal. No. 610-19-S

APPEARANCE FOR: Nicholas Ftikas MINUTES OF MEETING:

December 20, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 2741 W. Howard Street

NATURE OF REQUEST: Application for a special use to establish a religious assembly facility within an existing one and two story building.

ACTION OF BOARD- APPLICATION APPROVED

THE VOTE

JAN 17 2020 CITY OF CHICAGO ZONING BOARD OF APPEALS

FARZIN PARANG ZURICH ESPOSITO SYLVIA GARCIA JOLENE SAUL SAM TOIA

Table with 3 columns: AFFIRMATIVE, NEGATIVE, ABSENT. Rows show affirmative votes for each member.

THE RESOLUTION:

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held December 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a religious assembly facility within an existing one and two story building; a related variation to establish off-site parking spaces was granted in Cal. No. 611-19-Z to 7555 N. California Avenue; expert testimony was offered that the use would not have a negative impact on the surrounding community and is in character with the neighborhood; further expert testimony was offered that the use complies with all of the criteria as set forth by the code for the granting of a special use at the subject 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 August 2, 2019, prepared by Odile Compagnon Architect.

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

APPROVED AS TO SUBSTANCE

Signature of Chairman and the word CHAIRMAN



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

**APPLICANT:** Mt. Zion Anglican Church

**CAL NO.:** 611-19-Z

**APPEARANCE FOR:** Nicholas Ftikas

**MINUTES OF MEETING:**

**APPEARANCE AGAINST:** None

December 20, 2019

**PREMISES AFFECTED:** 7555 N. California Avenue

**NATURE OF REQUEST:** Application for a variation to establish four off-site parking spaces in an existing fifteen space parking lot to serve the proposed the religious assembly at 2741 W. Howard Street. The entrance from the religious assembly to the parking spaces is less than 100 feet.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

JAN 17 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
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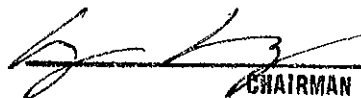
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish four off-site parking spaces in an existing fifteen space parking lot to serve the proposed the religious assembly at 2741 W. Howard Street. The entrance from the religious assembly to the parking spaces is less than 100 feet; see related special use approval in Cal. No. 610-19-S for the subject property 2741 W. Howard Street; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

**APPROVED AS TO SUBSTANCE**

  
CHAIRMAN

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

**APPLICANT:** Maldonado Properties Inc.

**CAL NO.:** 612-19-Z

**APPEARANCE FOR:** Tyler Manic

**MINUTES OF MEETING:**

**APPEARANCE AGAINST:** None

December 20, 2019

**PREMISES AFFECTED:** 1503 N. Central Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the front setback from the required 12.73' to 9.97', north setback from 2.4' to 0.43' (south to be 3.21'), combined side setback from 6' to 3.64' for a proposed one story front one story open porch with roof and new side below grade secondary entry stair to the first story at the existing three-story, single family residence.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

JAN 17 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

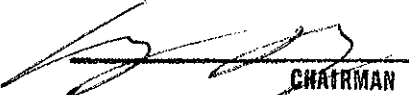
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on December 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the front setback to 9.97', north setback to 0.43' (south to be 3.21'), combined side setback to 3.64' for a proposed one story front one story open porch with roof and new side below grade secondary entry stair to the first story at the existing three-story, single family residence; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

**APPROVED AS TO SUBSTANCE**

  
CHAIRMAN

APPLICANT: 3264 Clark, LLC

CAL NO.: 613-19-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:  
December 20, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 913 W. School Street

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 30' to 2' for a proposed five- story, eighteen dwelling unit and four efficiency unit residential building with an attached eleven car garage at ground floor. This is a transit served location.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

JAN 17 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

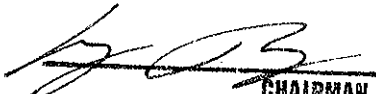
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 2' for a proposed five- story, eighteen dwelling unit and four efficiency unit residential building with an attached eleven car garage at ground floor. This is a transit served location; an additional variation was granted to the subject property in Cal. No. 614-19-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

**APPROVED AS TO SUBSTANCE**

  
CHAIRMAN

APPLICANT: 3264 Clark, LLC

CAL NO.: 614-19-Z

APPEARANCE FOR: Nicholas Ftikas

MINUTES OF MEETING:  
December 20, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 913 W. School Street

**NATURE OF REQUEST:** Application for a variation to reduce the amount of street facing transparent windows from the required 172.8 square feet to 137.1 square feet for a proposed five-story, eighteen dwelling unit and four efficiency unit residential building with an attached eleven car garage at the ground floor. This is a transit served location.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

JAN 17 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
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 December 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the amount of street facing transparent windows to 137.1 square feet for a proposed five-story, eighteen dwelling unit and four efficiency unit residential building with an attached eleven car garage at the ground floor. This is a transit served location; an additional variation was granted to the subject property in Cal. No. 613-19-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

**APPROVED AS TO SUBSTANCE**

CHAIRMAN

**APPLICANT:** Alexander Stoykov

**CAL NO.:** 615-19-Z

**APPEARANCE FOR:** Thomas Moore

**MINUTES OF MEETING:**  
December 20, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 343 W. Belden Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the minimum east and west side setback from the required 4.04' to 0.17' for a proposed four-story rear addition with rear open deck in an existing four-story building being deconverted from a three dwelling unit building to a two dwelling unit building.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

JAN 17 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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X		
X		

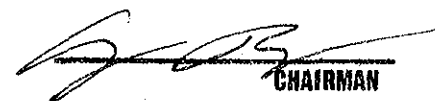
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the minimum east and west side setback to 0.17' for a proposed four-story rear addition with rear open deck in an existing four-story building being deconverted from a three dwelling unit building to a two dwelling unit building; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Moca, LLC Cal. No. 616-19-S

**APPEARANCE FOR:** Thomas Murphy **MINUTES OF MEETING:**

December 20, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2847 W. Fullerton Avenue/2367 N. Milwaukee Avenue

**NATURE OF REQUEST:** Application for a special use to expand an existing medical cannabis dispensary in an existing one and two story building.

**ACTION OF BOARD-**

**Continued to January 17, 2020 at 2:00 p.m.**

**THE VOTE**

JAN 17 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
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



MAY 18 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

**1500 Ohio LLC**

APPLICANT

**618-19-Z & 619-19-Z**  
CALENDAR NUMBERS

**1513 West Ohio Street**

PREMISES AFFECTED

**December 20, 2019**  
HEARING DATE

**ACTION OF BOARD**

**THE VOTE**

The applications for the variations are denied.

	AFFIRMATIVE	NEGATIVE	ABSENT
Farzin Parang, Chairman	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Zurich Esposito	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sylvia Garcia	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jolene Saul	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**FINDINGS OF THE ZONING BOARD OF APPEALS  
IN THE MATTER OF THE VARIATION APPLICATIONS FOR  
1513 N. OHIO STREET BY 1500 OHIO LLC.**

**I. BACKGROUND**

1500 Ohio LLC (the "Applicant") submitted two variation applications for 1513 W. Ohio (the "subject property"). The subject property is currently zoned RM-4.5 and is currently improved with a three-story, six-dwelling unit building (the "existing building"). The Applicant proposed to construct a bridge access connection (the "bridge access connection") from the existing building to the proposed roof decks (the "proposed roof decks") located on the two existing 2-car detached garages (the "garages"). In order to construct the bridge access connection, the Applicant sought two variations: (1) to reduce the rear yard setback from the required 35.7' to 16.8'; and (2) to relocate the required rear yard open space of 386.75 square feet to the proposed roof decks.

**II. PUBLIC HEARING**

**A. The Hearing**

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's variation applications at its regular meeting held on December 20, 2019, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Sun-Times*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure, the Applicant had submitted its

proposed Findings of Facts. The Applicant's manager Mr. Ross Babel and its attorney Mr. Mark Kupiec were present. The Applicant's architect Mr. John Hanna 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.

The ZONING BOARD OF APPEALS asked Mr. Kupiec to explain how the Applicant did not create its own hardship. Mr. Kupiec provided background on the Applicant's process of obtaining a zoning change for the subject property prior to the hearing (the "zoning change"). He stated that during a meeting with the Eckhart Park Community Group (the "community group"), the community group had concerns over the location of the garbage cans in relation to the alley and the arrangement of the parking spaces. He stated that as a result of the meetings, the Applicant's architect adopted some of the community group's suggestions and that the community group's concerns were resolved. He stated that Mr. John Hanna would later testify as to the practical difficulty that arose in trying to design a stairway to the proposed roof decks that would not require a variation. Mr. Kupiec stated that the current plan for the existing building was part of the ordinance authorizing the zoning change. He stated that Mr. Hanna would testify as to the practical difficulty associated with providing the required rear yard open space at grade level.

The Applicant offered testimony from its manager Mr. Ross Babel in support of the applications. He testified that the Applicant owned the subject property and that Mr. Kupiec's statements regarding the zoning change were accurate. He testified that if he were to continue to testify, his answers would be the same as in his affidavit.

The Applicant offered testimony from its architect Mr. John Hanna in support of the applications. Mr. Hanna testified as to the zoning change. He testified that the alderman asked him and the Applicant to meet with the community group and he described the concerns that the community group expressed at the meeting. He testified that the community group was concerned about garbage placement in the alley and asked the Applicant to construct two split two-car garages with a ramp in the middle leading to a basement-level two-car garage instead of the previously planned six-car garage. He testified that the community group's suggested garage configuration was more expensive than a six-car garage. He testified that the community group's suggested garage configuration did not benefit the Applicant and that it was a unique circumstance. Mr. Hanna went on to testify that the community group's suggested garage configuration caused Mr. Hanna a particular problem and that it complicated his design. Mr. Hanna then testified that due to layout of the garages, the man doors of the garages would face the existing building and that because of the placement of the man doors there was not a 15' clearance that allowed placement of a stairway that complies with the Chicago Building Code (the "Building Code") against the side of the existing building. He testified that the rear yard open space does not comply with the current interpretation of the Building Code of 12' on every side<sup>1</sup> and that because of such interpretation, the

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<sup>1</sup> Section 17-2-0307 of the Chicago Zoning Ordinance requires that rear yard open space in a RM-4.5 zoning district have a minimum dimension on any side of 10 - not 12 - feet.



relocation of the required rear yard open space to the proposed roof decks was necessary. He testified that the bridge access connection was necessary to access the proposed roof decks.

Mr. Babel testified that the existing building was a six-unit condo building and that the subject property was rezoned to RM-4.5. He testified that RM-4.5 was a zoning district specifically designed for multi-unit buildings. He testified that the open space is a bigger deal for multi-unit buildings than for a single-family home. He testified that because the subject property was rezoned to RM-4.5 he was allowed to build the existing building. He testified that he was trying to provide usable outdoor space for the occupants of the existing building. He testified that the two first floor units in the existing building would have exclusive access to the proposed roof decks. He testified as to the importance of exclusivity of the proposed roof decks to real estate purchasers. He testified that other buildings in the real estate market in which he was competing feature rooftop decks. He testified that the proposed roof decks were necessary to realize a reasonable return and that a roof deck is of no good to anybody if it cannot be accessed.

#### 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.*

The ZONING BOARD OF APPEALS fails to see how strict compliance with the regulations and standards of the Chicago Zoning Ordinance would create practical difficulties or particular hardships for the subject property. During the hearing, the Applicant argued that the design of the existing building and garages necessitated the reduction in rear yard setback and relocation of the rear yard open space to the proposed roof decks. However, the Applicant itself chose the design of the existing building and garages.<sup>2</sup> In fact, the Applicant specifically requested a Type 1 Zoning Map Amendment in order to rezone the subject property from an RS-3 to an RM-4.5.<sup>3</sup> Thus, the only practical difficulty or particular hardship in this instance is of the Applicant's own making, in that the Applicant specifically chose to design the existing building and garages in such a manner that would require variations. Further, it is clear that the design was chosen for the Applicant's profit as when the Applicant purchased the subject property, the subject property was not zoned to support six units.<sup>4</sup>

At the hearing, the Applicant also argued that because the subject property had been rezoned to RM-4.5, the existing building was as-of-right and the Applicant was entitled to build the existing building to the size it did. This is true.

<sup>2</sup> A practical difficulty or particular hardship cannot mean that a "piece of property is better adapted for a forbidden use than the one for which it is permitted, or that a variation would be to the owner's profit or advantage or convenience." *River Forest State & Trust Co. v. Zoning Board of Appeals of Maywood*, 34 Ill.App.2d 412, 419 (1st Dist. 1961). The requested variations are solely for the Applicant's profit and convenience.

<sup>3</sup> See Section 17-13-0302-A of the Chicago Zoning Ordinance.

<sup>4</sup> See Sections 17-2-0102 & 17-2-0207(A)(5) of the Chicago Zoning Ordinance.

However, it does not follow that the Applicant is entitled to the requested variations, especially as the Applicant deliberately rezoned the subject property from RS-3 to RM-4.5. At the time the Applicant initially purchased the subject property, there was no guarantee that the subject property would be rezoned or that the variations would be granted.

Further, the ZONING BOARD OF APPEALS does not find credible Mr. Hanna's testimony that the proposed roof decks could only be accessed via the bridge access connection. He testified that the "current interpretation" of the rear yard open space necessitated relocation of the rear yard open space because the Chicago Zoning Ordinance required a 12' setback. The ZONING BOARD OF APPEALS takes judicial notice that Section 17-2-0307 of the Chicago Zoning Ordinance has remained unchanged since the revised Chicago Zoning Ordinance was adopted on May 26, 2004.

2. *The requested variations are 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 variations are 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.*

Mr. Babel testified that condominium unit purchasers expect exclusive open space in the current real estate market. Other than conclusory and unsubstantiated statements, the Applicant provided little in the way of corroborating evidence to show that condominium units without such open spaces would not be marketable.

Also instructive is the fact that at the time the Applicant purchased the subject property, it was zoned RS-3. Without a rezoning, the Applicant would have been limited to two units. The Applicant purchased the subject property for \$1,200,000 without any guarantee that it would be rezoned from an RS-3 zoning classification to an RM-4.5 zoning classification. Accordingly, the ZONING BOARD OF APPEALS does not find Mr. Babel's testimony regarding market conditions or the economic forecast data submitted by the Applicant credible.

2. *Any practical difficulty or particular hardship is not due to unique circumstances and is 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 that the Applicant's inability to build the bridge access connection or relocate the rear yard open space to the proposed roof decks constitute a practical difficulty or a particular hardship, there are no unique circumstances in the instant case that cause such difficulties or circumstances. While the subject property is slightly shorter than average, the subject property is a double lot and thus wider than average and is standard in shape. Though Mr. John Hanna testified that the community group's suggestion to reconfigure the garage constituted a unique circumstance, the ZONING BOARD OF APPEALS declines to find such as suggestions from a community group are circumstances generally applicable to other property on which new development is contemplated, especially property that is being rezoned for such new development.

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

It is up to the Applicant to prove its case. The hearing was devoid of any evidence to this criterion. Additionally, the ZONING BOARD OF APPEALS does not find the virtually identical affidavits from Mr. Babel and Mr. Hanna credible. As the Applicant presented no credible evidence as to this criterion, the ZONING BOARD OF APPEALS finds that the Applicant has failed to prove that the proposed variation 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 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 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.*

The subject property is a standard rectangular shape and is oversized, exceeding a standard-sized lot by over 2,834 square feet. As such, the ZONING BOARD OF APPEALS does not find that the particular physical surroundings, shape or topographical condition of the subject property results in particular hardship on the Applicant.

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

The Applicant's sole basis for reducing the rear yard setback and relocating the rear yard open space to the proposed roof decks is so that the two first-floor units of the existing building will be more marketable. These are conditions applicable, generally, to other property within the RM-4.5 designation. After all, the RM-4.5 zoning classification is specifically for multi-unit residential buildings,<sup>5</sup> and as Mr. Babel testified, open space in multi-residential buildings is a "bigger deal" than for a single-family home.

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

The Applicant's desire to provide the bridge access connection and to relocate the rear open yard space to the proposed roof decks is clearly based upon a desire to make more money out of the property. The ZONING BOARD OF APPEALS is not persuaded by the Applicant's argument that it needs the variations in order to realize a reasonable return. When the Applicant initially purchased the subject property, it was in an RS-3 zoning district and the maximum number of units it could have built was two. At that time, there was no guarantee of a zoning change to RM-4.5. By designing the existing building to accommodate six dwelling units without thought as to how it could legally and without variations allow access to the proposed roof decks or how it could provide the required rear

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<sup>5</sup> Section 17-2-104-C of the Chicago Zoning Ordinance.

open space clearly indicates that the decision was based exclusively on a desire to make more money from the property. The Applicant's argument that it will not achieve a reasonable return on its investment if it cannot now build the bridge access connection and relocate the rear open yard space to the proposed roof decks is inconsistent with the Applicant's decision to purchase a property in an RS-3 district.

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

As noted previously, the ZONING BOARD OF APPEALS finds that no practical difficulty or particular hardship exists in the present case. To the extent that the Applicant's inability to build an bridge access connection or to provide the required rear yard open space without relocating such to the proposed roof decks constitutes a practical difficulty or particular hardship, such practical difficulty or particular hardship was created solely by the Applicant. The Applicant initiated the change in zoning to RM-4.5. The Applicant elected to proceed with a program of design that did not allow for access to the proposed roof decks or provide sufficient rear yard open space without the need for variations. The Applicant elected to construct the existing building prior to requesting the variations. To the extent that Mr. Hanna testified that the requirements of the rear yard open space have changed or have taken the Applicant by surprise, the ZONING BOARD OF APPEALS reiterates that Section 17-2-0307 of the Chicago Zoning Ordinance has not changed since May 26, 2004. The program of design envisioned a garage format that would face the man doors of the garages toward the existing building. The existing building was likewise sized in such a manner that sufficient space for a stairway to the proposed roof decks could not be readily implemented without a variation. Thus, any practical difficulty or particular hardship suffered by the Applicant at this juncture was created solely by the Applicant at the design phase of the existing building and garages.

5. *There is insufficient evidence to show that granting 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 ZONING BOARD OF APPEALS does not find the testimony of Mr. Babel or Mr. Hanna to be credible. Through the virtually identical affidavits of Mr. Babel and Mr. Hanna, the Applicant argues that the granting of the variations will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood because there are presently other buildings in the neighborhood that do not provide the required rear open space and thus the requested variations fit into the character of the neighborhood. The ZONING

BOARD OF APPEALS finds that the Applicant's argument is insufficient to address the criterion. First, whether the granting of a variation is within the character of a neighborhood is a distinct criterion from whether such variation be detrimental to the public welfare or injurious to other property or improvements in the neighborhood. Second, the Applicant provides no supporting evidence to support the Applicant's vague claim that there exists some other properties in the neighborhood that do not provide the required rear open space. Third, even allowing that there exists some properties in the neighborhood that do not provide the required rear yard open space, the Applicant has not proven or even asserted that such properties are not detrimental to the public welfare or injurious to other property or improvements in the neighborhood. The Applicant has provided no evidence to indicate the number or proximity of such nonconforming property. The Applicant has provided no evidence to show the extent to which any such nonconforming property does not provide the required rear yard open space. The Applicant has not provided any evidence to show whether any such property also features a bridge access connection. Fourth, assuming that there are other properties in the neighborhood that are not detrimental provide the required rear yard open space, the Applicant has not proven or asserted that the variations requested in the instant case would likewise not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

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

The bridge access connection and the proposed roof decks would be unlikely to impair light or air to adjacent properties because of their location to the rear and top of the existing building. The bridge access connection and the proposed roof decks would not lead to a substantial increase in the congestion on the public streets because they do not directly affect the density of the existing building. The bridge access connection and the proposed roof decks would not increase the danger of fire or endanger the public safety because they would be built in compliance with the Building Code.

The Applicant failed to provide sufficient evidence to show that the requested variations would not substantially diminish or impair property values within the neighborhood. Though the Applicant concludes through the virtually identical affidavits provided by Mr. Babel and Mr. Hanna that "[p]roviding sustainable dwelling units with additional open space for the occupants of the subject property will not contribute to diminishing property values in the neighborhood,"

the argument is not supported by evidence and is not credible. It is unclear to what extent the rear yard open space that would be relocated to the proposed roof decks could be considered "additional". Also, Mr. Babel and Mr. Hanna provide no basis for such a conclusion.

#### 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's applications for 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: 

Farzin Parang, Chairman



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

**APPLICANT:** Darren and Jill Kohlberg

**CAL NO.:** 620-19-Z

**APPEARANCE FOR:** Fred Agustin

**MINUTES OF MEETING:**  
December 20, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 315 W. Eugenie Street

**NATURE OF REQUEST:** Application for a variation to reduce the west side setback from the required 2' to 1.17' (east to be 2.75'), combined side setback from 4.8' to 3.92' for a proposed two-story addition to the rear of the existing single family residence.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**



**JAN 17 2020**

**CITY OF CHICAGO  
ZONING BOARD OF APPEALS**

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
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 December 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the west side setback to 1.17' (east to be 2.75'), combined side setback to 3.92' for a proposed two-story addition to the rear of the existing single family residence; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**

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

**APPLICANT:** Diamond Partnership, LLC

**CAL NO.:** 621-19-Z

**APPEARANCE FOR:** Mark Kupiec

**MINUTES OF MEETING:**

**APPEARANCE AGAINST:** None

December 20, 2019

**PREMISES AFFECTED:** 505 N. Hermitage Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the minimum lot area from the required 6,000 square feet to 5,852 square feet for a proposed four-story, six dwelling unit mixed use building.

**ACTION OF BOARD-**

**Continued to January 17, 2020 at 2:00 p.m.**

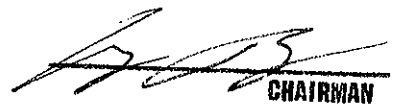
**THE VOTE**

JAN 17 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
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:** Diamond Partnership, LLC

**CAL NO.:** 622-19-Z

**APPEARANCE FOR:** Mark Kupiec

**MINUTES OF MEETING:**  
December 20, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 505 N. Hermitage Avenue

**NATURE OF REQUEST:** Application for a variation to increase the height from the maximum 50' to 55' for a proposed four-story, six dwelling unit mixed use building.

**ACTION OF BOARD-**

**Continued to January 17, 2020 at 2:00 p.m.**

*[Faint stamp]*

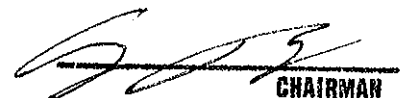
**THE VOTE**

JAN 17 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
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:** Diamond Partnership, LLC

**CAL NO.:** 623-19-S

**APPEARANCE FOR:** Mark Kupiec

**MINUTES OF MEETING:**  
December 20, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 513 N. Hermitage Avenue

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

**ACTION OF BOARD-**  
**Continued to January 17, 2020 at 2:00 p.m.**

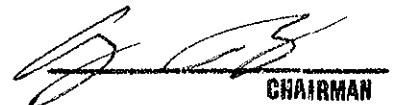
JAN 17 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

**THE VOTE**

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:** Diamond Partnership, LLC

**CAL NO.:** 624-19-S

**APPEARANCE FOR:** Mark Kupiec

**MINUTES OF MEETING:**  
December 20, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 521 N. Hermitage Avenue

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

**ACTION OF BOARD-**  
**Continued to January 17, 2020 at 2:00 p.m.**

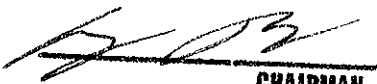
**THE VOTE**

JAN 17 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
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:** Diamond Partnership, LLC

**CAL NO.:** 625-19-S

**APPEARANCE FOR:** Mark Kupiec

**MINUTES OF MEETING:**  
December 20, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 529 N. Hermitage Avenue

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

**ACTION OF BOARD-**

**Continued to January 17, 2020 at 2:00 p.m.**

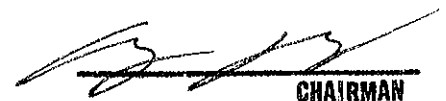
**THE VOTE**

JAN 17 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
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



**MAY 18 2020**

**CITY OF CHICAGO  
ZONING BOARD OF APPEALS**

**Chicago Army & Lou's Inc**  
APPLICANT

**626-19-S & 627-19-Z**  
CALENDAR NUMBERS

**420-24 East 75<sup>th</sup> Street**  
PREMISES AFFECTED

**December 20, 2019**  
HEARING DATE

**ACTION OF BOARD**

**THE VOTE**

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

Farzin Parang, Chairman  
Zurich Esposito  
Sylvia Garcia  
Jolene Saul  
Sam Toia

AFFIRMATIVE	NEGATIVE	ABSENT
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<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 420-24 E. 75TH STREET BY CHICAGO ARMY & LOU'S INC.**

**I. BACKGROUND**

Chicago Army & Lou's Inc. (the "Applicant") submitted a special use application and a variation application for 420-24 E. 75<sup>th</sup> Street (the "subject property"). The subject property is currently zoned C1-2 and is improved with a one-story restaurant building (the "existing building"). The Applicant proposed to construct a second-story addition (the "proposed addition") to the existing building, which proposed addition included an outdoor patio area (the "proposed patio"). The Applicant also proposed to establish a public place of amusement license ("PPA"). To permit the proposed patio and the PPA, the Applicant sought: (1) a special use and (2) a variation to establish a PPA within 125' of a residential district. 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 special use provided that: (1) the special use was issued solely to the Applicant; and (2) the development was consistent with the design and layout of the plans and drawings dated March 19, 2019, prepared by RJA Architects, Ltd.

**II. PUBLIC HEARING**

**A. The Hearing**

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's special use and variation application at its regular meeting held on December 20, 2019, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Sun-Times*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure, the Applicant had submitted its proposed Findings of Fact. The Applicant's general manager Ms. Lasha Magee and its attorney Mr. Lewis Powell III were present. The Applicant's land use consultant Mr. Karim Musawwir was also present. Testifying in opposition to the applications was Mr. Alessandra Halliburton. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

The Applicant's attorney Mr. Lewis Powell III provided a brief overview of the Applicant's applications.

The Applicant offered the testimony of its general manager Ms. Lasha Magee in support of its applications.

The Applicant offered the testimony of its land use consultant Mr. Kareen Musawwir in support of its applications. The Zoning Board of Appeals recognized Mr. Musawwir's credentials as an expert in land use.

In response to questions from the ZONING BOARD OF APPEALS, Ms. Magee provided additional testimony in support of the applications.

Ms. Alessandra Halliburton, of 7425 South Vernon, testified in opposition to the applications. The basis for Ms. Halliburton's opposition was parking.

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

In response to question from the ZONING BOARD OF APPEALS, Ms. Magee provided further testimony in support of the applications.

In response to a question from Ms. Halliburton, Ms. Musawwir provided further testimony in support of the applications.

#### B. Criteria for a Special Use

Pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance, no special use application may be approved unless the ZONING BOARD OF APPEALS finds that the proposed use in its proposed location meets all of the following 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 is based would not be applicable, generally, to other property within the same zoning classification; (3) the purpose of the variation is not based exclusively upon a desire to make more money out of the property; (4) the alleged practical difficulty or particular hardship has not been created by any person presently having an interest in the property; (5) the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and (6) the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

### III. FINDINGS OF FACT

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

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

The subject property is located in a C1-2 zoning district. The Applicant's proposed patio is a special use in a C zoning district.<sup>1</sup> Aside from the variation, the Applicant is seeking no other relief from the Chicago Zoning Ordinance. Since the ZONING BOARD OF APPEALS has decided to grant the special use and the variation to the Applicant, the Applicant's proposed special use complies with all applicable standards of the Chicago Zoning Ordinance.

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

The proposed special use is in the interest of the public convenience as it will provide the neighborhood with additional outdoor dining and entertainment options. As the proposed special use is part of the proposed addition, the proposed special use will allow a vacant restaurant to be reactivated. The reactivated restaurant will provide five full-time and fifteen part-time jobs to the area. The special use will not have a significant impact on the general welfare of the neighborhood or community as the Applicant has anticipated any increase in parking congestion by providing fifteen new off-street parking spaces. In addition to these parking spaces, the Applicant is currently negotiating a contract with the parking lot on 75<sup>th</sup> Street. As Ms. Magee credibly testified, she anticipates providing valet services in order to encourage use of such parking lot by the Applicant's patrons.

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

The special use is part of the proposed addition. As can be seen from the plans and drawings, the proposed addition will greatly improve the surrounding area in terms of site planning and building scale and project design. Further, and as indicated in the architectural drawings and site plans, the proposed addition will be 25'3-<sup>3</sup>/<sub>4</sub>", which is well within the 50' maximum building height limit.<sup>2</sup>

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.*

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<sup>1</sup> Section 17-3-0207-AA-4 of the Chicago Zoning Ordinance.

<sup>2</sup> Section 17-3-0408-A of the Chicago Zoning Ordinance.

The proposed special use is located in a C1 Neighborhood Commercial District, which is designed to accommodate “a very broad range of small-scale, business, service and commercial uses”<sup>3</sup>. The ZONING BOARD OF APPEALS finds that establishment of the proposed special use, namely, the proposed patio, is consistent with the primary purpose of the C1 Neighborhood Commercial District. Further, the Applicant’s proposed hours of operations for the proposed patio, as well as its intention to offer valet parking, will ensure that that the proposed special use will be compatible with the surrounding area in terms of hours of operating and traffic generation. Ms. Magee testified as to her willingness in changing hours of operation if the hours of operation became incompatible with the nearby residential area. Further, she testified that no live music would be permitted on the proposed patio and that any speakers would only be in the enclosed portion of the patio, ensuring that any noise generated by the proposed patio would be compatible with the surrounding area.

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

The proposed special use will exist entirely within the proposed building. As such, the ZONING BOARD OF APPEALS finds that the proposed special use will have no adverse impact as to the safety and comfort of pedestrians. In addition, as the proposed special use will allow the Applicant to establish its business on the subject property and as the Applicant will offer on-site security as part of its business model, the proposed special use will 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 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.*

Without the variation, the Applicant will be unable to provide live music at its restaurant. As Ms. Magee credibly testified, the live music component is an effort to revive the previous restaurant and entertainment venue at the subject property.<sup>4</sup>

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

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<sup>3</sup> Section 17-3-0105-A of the Chicago Zoning Ordinance.

<sup>4</sup> The ZONING BOARD OF APPEALS takes judicial notice of the former Army & Lou’s reputation as an iconic restaurant in Chatham.

The requested variation is consistent with the stated purpose and intent of the Chicago Zoning Ordinance, specifically by: (1) preserving the overall quality of life for residents and visitors pursuant to Section 17-1-0502 of the Chicago Zoning Ordinance by providing an additional option source of entertainment to the area; (2) maintaining economically vibrant as well as attractive business and commercial areas pursuant to Section 17-1-0504 of the Chicago Zoning Ordinance by reactivating a business that has been shuttered since 2012; and (3) promoting rehabilitation and reuse of older buildings pursuant to Section 17-1-0514 of the Chicago Zoning Ordinance in that it will allow for the construction of the proposed addition, which will revitalize the existing building.

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

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

Without the variation, the incorporation of live music will not be feasible. As live music is necessary for the Applicant to revive the former restaurant and entertainment venue on the subject property, the property in question cannot yield a reasonable return without the requested variation.

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

The practical difficulties or particular hardships in this case are due to the unique circumstances of the subject property being within 125' of a residential zoning district. Such a circumstance is not generally applicable to other commercial property as most other commercial property can establish a PPA simply by applying with the City's Department of Business Affairs and Consumer Protection. In other words, most businesses operating on commercial property can establish a PPA as of right and without a variation from the ZONING BOARD OF APPEALS.

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

Prior to shuttering in 2012, the previous use of the subject property was an iconic restaurant and entertain venue with live music. As Ms. Magee credibly testified, the variation will allow the Applicant to operate the subject property in a manner similar what previously existed.

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.*

The proximity of the residential zoning district to the subject property is a physical surrounding that results in particular hardship upon the Applicant as such proximity makes it impossible for the Applicant to obtain a PPA if the strict letter of the Chicago Zoning Ordinance were carried out.

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

The subject property is located in a C1-2 zoning district. Most property within a C1-2 zoning district is not within 125' of a residential zoning district and therefore most property within a C1-2 zoning district would be able to establish a PPA as of right. Therefore, the conditions upon which the petition for the Applicant's variation is based (i.e., the subject property's proximity to a residential zoning district) is not applicable, generally, to other property within a C1-2 zoning district.

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

The purpose of the variation is not based upon a desire to make more money out of the subject property but rather based upon the Applicant's inability to yield a reasonable rate of return on the subject property without the incorporation of live music. As set forth in the Applicant's findings of Fact, the establishment of a PPA is necessary for the Applicant to re-establish a restaurant and entertainment venue on the subject property that is similar to the iconic restaurant and entertainment venue that previously existed on 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 Applicant did not create the subject property's proximity to the residential district.

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

The variation allows a live music component to the Applicant's operations. As Ms. Magee credibly testified, such live music will occur entirely within the enclosure of the existing building. Further, the variation will allow the reestablishment of a previous use, which included live music. The ZONING BOARD OF APPEALS finds that the variation will be beneficial to the surrounding neighborhood. It is particularly pertinent to note that after a number of various community meetings in regards to the project, the only person present in objection to the project was Ms. Halliburton, who admittedly did not attend any of the community meetings and did not know about the nature of the project until the hearing before the ZONING BOARD OF APPEALS.

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

The variation will not affect the existing building's footprint. As such, the variation will have no effect on the existing building's proximity to its neighbors. The variation does not necessitate any change to the existing building. The only modification to the existing building is the proposed addition, which is well within the height limitations of the C1-2 zoning district. Thus, there will be no impairment of light and air. Further, the variation will not substantially increase congestion in the public streets. As shown by the plans and be testimony, the Applicant's operations will be supported with fifteen on-site parking spaces so that it will not increase congestion in the public streets. In addition, the Applicant is in negotiations to contract the parking lot on 75<sup>th</sup> Street. As Ms. Magee testified, the Applicant is prepared to offer valet services in order to ensure that the parking lot will be utilized. Such valet services were not available to patrons of the previous business at the subject property. The variation will have no physical effect on the existing building and the granting of this variation will not increase the danger of fire. As Ms. Magee credibly testified, the Applicant will provide security onsite and thus the variation will not endanger the public safety. As the variation will allow the Applicant to return a long-shuttered business to re-activate, the ZONING BOARD OF APPEALS finds that the variation 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 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 condition:

1. The special use shall be issued solely to the Applicant;
2. The development shall be consistent with the design and layout of the plans and drawings dated July 21, 2019, prepared by RJA Architects, Ltd.

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

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

APPROVED AS TO SUBSTANCE

By:   
Parzian Parang, Chairman

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

**APPLICANT:** Salonish Hair Studio, LLC Cal. No. 628-19-S

**APPEARANCE FOR:** Same as Applicant

**MINUTES OF MEETING:**  
December 20, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 8546 S. Stony Island Avenue

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

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

JAN 17 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
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 December 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Tribune on December 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a hair salon; 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.

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



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

**APPLICANT:** Flags Social & Athletic Club Cal. No. 629-19-S

**APPEARANCE FOR:** Mark Kupiec **MINUTES OF MEETING:**

December 20, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 552 W. 47<sup>th</sup> Street

**NATURE OF REQUEST:** Application for a special use to expand an existing one-story private lodge with a proposed one-story addition.

**ACTION OF BOARD-  
APPLICATION APPROVED**

**THE VOTE**

Stamp: JAN 17 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
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 December 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to expand an existing one-story private lodge with a proposed one-story addition; a variation was also granted to the subject property in Cal. No. 630-19-Z; 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 Flags Social & Athletic Club, and the development is consistent with the design and layout of the plans and drawings dated January 12, 2017, prepared by Red Architects.

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

**APPROVED AS TO SUBSTANCE**

*[Signature]*  
**CHAIRMAN**

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

**APPLICANT:** Flags Social & Athletic Club **CAL NO.:** 630-19-Z

**APPEARANCE FOR:** Mark Kupiec **MINUTES OF MEETING:**

**APPEARANCE AGAINST:** None December 20, 2019

**PREMISES AFFECTED:** 552 W. 47<sup>th</sup> Street

**NATURE OF REQUEST:** Application for a variation to establish a public place of amusement license for an existing private lodge.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

JAN 17 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
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 December 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 5, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to establish a public place of amusement license for an existing private lodge; a special use was approved for the subject property in Cal. No. 629-19-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.

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

**APPLICANT:** 624-48 S. Racine, LLC

**CAL NO.:** 631-19-Z

**APPEARANCE FOR:** Tyler Manic

**MINUTES OF MEETING:**  
December 20, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 624-28 S. Racine Avenue

**NATURE OF REQUEST:** Application for a special use to establish residential use below the second floor for an existing three and four story building to be converted from an eight dwelling unit mixed use building with ground floor restaurant to an eleven dwelling unit building.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

JAN 17 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
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 December 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on December 5, 2019; and

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

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** Moonlight Studios, Inc. Cal. No. 457-19-S

**APPEARANCE FOR:** John Escobar **MINUTES OF MEETING:**

December 20, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1455 W. Hubbard Street

**NATURE OF REQUEST:** Application for a special use to establish an accessory off-site parking lot with seventeen required parking spaces to serve a proposed industrial private event space located at 1446 W. Kinzie Street.

**ACTION OF BOARD-**  
Continued to February 21, 2020 at 2:00 p.m.

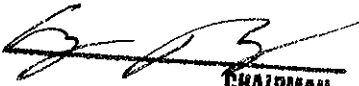
**THE VOTE**

JAN 17 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
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: Moonlight Studios, Inc.

CAL NO.: 458-19-Z

APPEARANCE FOR: John Escobar

MINUTES OF MEETING:  
December 20, 2019

APPEARANCE AGAINST: None

PREMISES AFFECTED: 1455 W. Hubbard Street

NATURE OF REQUEST: Application for a variation to establish shared parking for seventeen parking spaces for non-residential use with different peak hours to accommodate the required parking for a proposed industrial private event space located at 1446 W. Kinzie Street.

ACTION OF BOARD-  
Continued to February 21, 2020 at 2:00 p.m.


THE VOTE

JAN 17 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
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:** Education & Entertainment, Inc.

**CAL NO.:** 528-19-Z

**APPEARANCE FOR:** Frances Ostian

**MINUTES OF MEETING:**  
December 20, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 9156 S. Stony Island Avenue

**NATURE OF REQUEST:** Application for a variation to establish a public place of amusement license to provide recreational services, live theatrical performances, dancing comedy and rental space which is located within 125' of a residential district.


**ACTION OF BOARD-  
VARIATION WITHDRAWN**

**THE VOTE**

JAN 17 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
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



MAY 18 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

**Yaz & Cam Inc. DBA Granero**  
APPLICANT

**536-19-Z**  
CALENDAR NUMBER

**2529 N. Milwaukee Avenue**  
PREMISES AFFECTED

**December 20, 2019**  
HEARING DATE

**ACTION OF BOARD**

**THE VOTE**

The application for the variation is approved.

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

**FINDINGS OF THE ZONING BOARD OF APPEALS  
IN THE MATTER OF THE VARIATION APPLICATION FOR 2529 N.  
MILWAUKEE AVENUE BY YAZ & CAM INC. DBA GRANERO.**

**I. BACKGROUND**

Yaz & Cam Inc. DBA Granero (the "Applicant") submitted an application for a variation for 2529 N. Milwaukee (the "subject property"). The subject property is zoned C2-2 and is improved with a two-story building (the "building"). The Applicant operated a restaurant on the second floor of the building (the "existing restaurant"). The Applicant sought to obtain a public place of amusement license (a "PPA") for the existing restaurant. As the subject property was within 125' of a residential zoning district, the Applicant requested a variation to establish a PPA within 125' of a residential zoning district.<sup>1</sup>

**II. PUBLIC HEARING**

**A. The Hearing**

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's variation application at its regular meeting held on December 20, 2019, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Sun-Times*, and as continued without further notice pursuant to Section 17-13-0108-A of the Chicago Zoning

<sup>1</sup> Pursuant to Section 17-13-1101-M of the Chicago Zoning Ordinance.

Ordinance. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure, the Applicant had submitted its proposed Findings of Fact. The Applicant's president Ms. Nita Godinez was present at the hearing. The Applicant's attorneys Ms. Gloria Chevere and Mr. Milan Trifkovich were present at the hearing. Testifying in opposition to the application were Mr. Joe Putsor, Ms. Rachel Watterson, Ms. Hilary Eng, Ms. Paddy Lauber, and Ms. Carolyn Fortman (collectively, the "Objectors"). Mr. Paul Sajovec chief of staff to 32<sup>nd</sup> ward alderman Scott Waguespack (the "Alderman") was present. Sergeant Henkels CAPS Sergeant for the Chicago Police Department's 14<sup>th</sup> District 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.

The Applicant's attorney Ms. Gloria Chevere provided an overview of the application for the variation. She stated that the Applicant was seeking a variation in order to obtain a PPA for the existing restaurant. She submitted into the record and the ZONING BOARD OF APPEALS accepted a copy of a list of businesses that have 2:00 AM and 4:00 AM liquor licenses in the area of the subject property. She stated that while the Applicant unknowingly operated the existing restaurant beyond the scope of her business license, revenues were \$600,000 over a six-month period. She further stated that once the Applicant was made aware that she was operating beyond the scope of her business license, she ceased such activity and revenue decreased to \$240,000 per year. She stated that the subject area was located in what is commonly known as the Logan Square Entertainment District due to the amount of bars and restaurants on nearby Milwaukee Avenue. She further stated that any parking concerns were addressed by the proximity of the Logan Square Blue line.

Ms. Chevere stated that the existing restaurant was at a disadvantage as compared to other nearby restaurants and bars due to its location on the second floor of the building. She also stated that the existing restaurant was under new management and that the Applicant was not seeking a 4:00 AM liquor license. Ms. Chevere described the importance of encouraging female Hispanic business owners. In response to questions from the ZONING BOARD OF APPEALS, Ms. Chevere clarified that the Applicant purchased the business in January 2018.

In response to questions from the ZONING BOARD OF APPEALS the Applicant testified that she signed the lease for the existing restaurant in 2017 and became operational in May 2018. She testified that prior to the existing restaurant there was a bar/restaurant named Suite 25 in that space. In response to further questions from the ZONING BOARD OF APPEALS, the Applicant testified that the existing restaurant currently only served food and alcohol but that the PPA would enable her to feature live music and karaoke. She testified that she would not be charging a cover for such live music and karaoke. She testified as to the manner in which patrons of the existing restaurant would enter and exit the premises. She testified that the existing restaurant has never had lines extending into the street. She testified that the existing restaurant has an incidental liquor license to 2:00 AM and that she does not intend to change it.



Mr. Joe Putsor, of 2500 N. Milwaukee, testified in opposition to the application. He testified that in the past, the existing restaurant had been operated as a "kind of rager nightclub" and that it wasn't something the neighborhood needed more of "especially on that stretch of Milwaukee." In response to a question from Ms. Chevere, he testified that by "rager nightclub" he meant loud music and raucous crowds. In response to questions from the ZONING BOARD OF APPEALS, Mr. Putsor testified that 2500 North Milwaukee was under construction and that he did not live at the building but was testifying on behalf of the owners of the property at 2500 N. Milwaukee.

Mr. Paul Sajovec indicated that he would testify at the end of the Objectors' testimonies.

Ms. Rachel Watterson, of 2511 N. Milwaukee, testified in opposition to the application. Ms. Watterson testified that since she had moved into her unit in 2015, there had been an increase of trash and public urination in the area. In response to questions from the ZONING BOARD OF APPEALS, Ms. Watterson testified that she was only attributing loud music and people outside to the Applicant.

Ms. Hilary Eng, of 2513 N. Milwaukee, testified in opposition to the application. She testified that she had witnessed loud music from Granero until 2:00 AM and that crowds outside of her area until 5:00 AM. She testified that she has called police to address such in the past. She testified that the Applicant had been cited in August for violations of their business license. She testified that she observed promotional materials on the Applicant's Instagram page.

In response to questions from the Zoning Board of Appeals, Ms. Watterson provided further testimony.

Ms. Paddy Lauber, of 3025 W. Logan, testified in opposition to the application. She testified that she lived within the distance to receive the zoning application notice. She submitted into the record a zoning map from the City of Chicago. She testified that said zoning map indicated that the subject property was located 50' from an RS-3 zone. She testified that the Applicant applied for the same thing in May and that the application was rejected. The ZONING BOARD OF APPEALS clarified that the application was for a PPA license without a zoning variation and that the City of Chicago's Business Affairs and Consumer Protection ("BACP") rejected it.<sup>2</sup> Ms. Lauber submitted a letter from the property owner at 3051 West Logan. She testified that the Applicant's patrons often park in front of 3051 and 3055 West Logan and play music from their cars. She testified that on a few occasions the property owners followed these patrons into the existing restaurant. She testified that there was a gunfight in front of 3051 and 3055 West Logan. She testified that the restaurant was shut down for five days by the City of Chicago for operating without a PPA. She testified that the Applicant executed a plan of operation

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<sup>2</sup> The ZONING BOARD OF APPEALS notes that this is quite common. Many businesses do not know they need a variation for a PPA until they have been rejected by BACP. Most (though not all) of the PPA variation applications the ZONING BOARD OF APPEALS' reviews stem from an applicant first being rejected by BACP.

with the alderman's office on October 7, 2019 prohibiting a dance club and that this application for variation contradicts such plan of operation. She testified that no one forced the Applicant to locate the existing restaurant on the second floor. In response to questions from the ZONING BOARD OF APPEALS, Ms. Lauber further testified that she had not had a conversation with the Applicant prior to the hearing. She testified that the Applicant joined Logan Square Preservation five days prior to the hearing.

Ms. Carolyn Fortman, or 2740 North Richmond, testified in opposition to the application. She testified that the placement of a nightclub with a PPA license within 50' of a residential neighborhood would drive potential customers of small businesses out of the neighborhood.

Mr. Paul Sajovec, chief of staff to the Alderman, testified in opposition to the application. He testified that the basis of the Alderman's opposition to the application was crime. In response to questions from the ZONING BOARD OF APPEALS, Mr. Sajovec provided further testimony.

In response to the Objectors' testimony, Ms. Chevere stated that the restaurant's five-day suspension in October 2019 was voluntary and negotiated between the Applicant and BACP. Ms. Chevere stated that the suspension occurred after Applicant learned that she was operating the existing restaurant outside the scope of her business license. She further stated that the Applicant had security guards, checked identification and patted down her patrons during the time she operated the existing restaurant outside the scope of her license. She stated that the shooting referenced by Ms. Lauber occurred two blocks away from the subject property. Ms. Chevere questioned Mr. Putsor's standing to testify.<sup>3</sup> Ms. Chevere stated that Ms. Watterman admitted that she could not positively attribute the trash she referenced in her testimony to the Applicant and that the amount of businesses on Milwaukee Avenue made such attribution difficult. Ms. Chevere stated that Ms. Eng's testimony regarding loud music and crowds was attributable to the Owl, which has a 4:00 AM liquor license, and not to the existing restaurant, which has a 2:00 AM liquor license. In response to questions from the ZONING BOARD OF APPEALS, Ms. Chevere stated that the Owl was located next to the subject property.

In response to further questions from the ZONING BOARD OF APPEALS, Ms. Chevere stated that the Applicant had never been cited by the City of Chicago for noise complaints.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Sajovec referenced documents the Objectors submitted that included all 911 calls for the subject area from October 2018 to December 2019.

Sgt. Henkels, the CAPS Sergeant for the Chicago Police Department's 14<sup>th</sup> District provided testimony. In response to questions from the ZONING BOARD OF APPEALS, Sgt. Henkels provided an overview of the 911 system. He testified that he did not know

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<sup>3</sup> Pursuant to the ZONING BOARD OF APPEALS' Rules and Procedures, "[a]ny party may appear and testify at the hearing on any application."

whether officers responding to a call regarding the subject property made specific contact with the owner, manager or staff of the existing restaurant. He testified that uniformed officers would generally speak with staff of a business if there were a 911 call relating to such business. He testified as to the general protocol of a response to a 911 call.

In response to questions from the ZONING BOARD OF APPEALS, Sgt. Henkels testified that the 14<sup>th</sup> District receives 911 calls regarding the Owl, Granero and for locations south of Fullerton, such as the Emporium. He testified that the two-block stretch of Milwaukee that includes the subject area has "increasement of activity", which necessitates specifically assigned midnight officers on patrol. He testified that he has been with the 14<sup>th</sup> district for four years. He testified that historically, the area has been an entertainment district from Fullerton to Division. In response to questions from the ZONING BOARD OF APPEALS, Sgt. Henkels indicated that the stretch of Milwaukee that includes the subject property had historically been an entertainment district.

In response to further questions from the ZONING BOARD OF APPEALS, Sgt. Henkels testified that the existing restaurant received sixty-six (66) 911 calls for service within a year and that such figure fell in between the high and low number of calls for the area. He testified that the type of 911 calls relating to the existing restaurant were similar to the type of calls generally attributable to the immediate location. He testified that the amount of calls regarding the vicinity of the subject property was less than the amount of calls regarding Wicker Park due to Wicker Parks high number of liquor licenses.

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

Ms. Chevere made further statements in rebuttal to the Objector's testimony.

In response to questions from the ZONING BOARD OF APPEALS, the Applicant testified that the existing restaurant now operates within the rules of the City of Chicago. She testified as to the existing restaurant's closing time. She testified that during closing time, staff of the existing restaurant ensures that there is no loitering in front of the subject property. She testified that the existing restaurant no longer has lines since first opening and that the existing restaurant's staff cleans the area in front of and adjacent to the subject property. She testified that the existing restaurant has a kid-friendly component. In response to further questions from the ZONING BOARD OF APPEALS, the Applicant gave further testimony.

Mr. Milan Trifkovich then made closing remarks.

#### 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 existing restaurant is located in an area densely populated with nightlife and entertainment options. In order to remain competitive in such an area, the Applicant must offer a live music component in addition to its restaurant operations. A PPA license would allow the Applicant to feature live music and karaoke. Because the subject property is within 125' of a residential district, it

requires a variation in order to obtain the PPA. Because the subject property is within 125' of a residential zoning district, strict compliance with the regulations and standards of the Chicago Zoning Ordinance would require that the Applicant be denied the ability to apply for a PPA through BACP. This is a practical difficulty or particular hardship for the Applicant, in that most businesses in the City can have establish a PPA as of right but that the Applicant – due to the subject property's proximity to a residential zoning district – cannot establish one without the requested variation.

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

The requested variation is consistent with the stated purpose and intent of the Chicago Zoning Ordinance, specifically by: (1) preserving the overall quality of life for residents and visitors pursuant to § 17-1-0502 by allowing the Applicant to provide live music and karaoke at the existing restaurant and (2) maintaining economically vibrant as well as attractive businesses and commercial areas pursuant to § 17-1-0504 by ensuring that the Applicant's existing restaurant remains competitive with the rest of the commercial strip (as Milwaukee is a commercial strip at this location).

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

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

The Applicant requires the PPA in order to be competitive in the area. When the Applicant unknowingly operated outside of her business license and offered live music, her revenues were \$600,000 over a six-month period. Upon becoming aware that her operations were in violation of her business license, the Applicant voluntarily suspended the operations that exceeded her license. As a result, the Applicant's income decreased to \$240,000 per year. This portion of Milwaukee Avenue is densely populated with entertainment options and nightlife. In fact, the Owl, a venue with a 4:00 AM liquor license, is located immediately adjacent to the existing restaurant. The Applicant requires the PPA in order to be competitive in this area and is at a disadvantage without it. As the Applicant cannot obtain a PPA without the requested variation, the subject property cannot yield a

reasonable return if permitted to be used only in accordance with 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.*

The practical difficulties or particular hardships in this case are due to the unique circumstances of the subject property being within 125' of a residential zoning district. Such a circumstance is not generally applicable to other commercial property as most other commercial property can establish a PPA simply by applying with BACP. In other words, most businesses operating on commercial property can establish a PPA as of right and without a variation from the ZONING BOARD OF APPEALS.

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

The ZONING BOARD OF APPEALS finds that the variation requested will not alter the essential character of the neighborhood. This portion of Milwaukee Avenue is a densely populated with entertainment options. Sgt. Henkels testified that this particular stretch of Milwaukee Avenue is an entertainment district. As such, the PPA is consistent with the essential character of the neighborhood. In light of the overwhelmingly commercial nature of the area, as well as the proliferation of bars and restaurants in the area, the ZONING BOARD OF APPEALS finds that the PPA will not disturb the adjacent commercial properties or the residential zoning district near the subject property.

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

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

The proximity of the residential zoning district to the subject property is a physical surrounding that results in particular hardship upon the Applicant as such proximity makes it impossible for the Applicant to obtain a PPA if the strict letter of the Chicago Zoning Ordinance were carried out.

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

The subject property is located in a C2-2 zoning district. Most property within a C2-2 zoning district is not within 125' of a residential zoning district and therefore most property within a C2-2 zoning district would be able to establish a PPA as of right. Therefore, the conditions upon which the petition for the Applicant's variation is based (i.e., the subject property's proximity to a residential zoning district) is not applicable, generally, to other property within a C2-2 zoning district.

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

The purpose of variation is so that the Applicant can provide additional entertainment amenities to its clients. It is therefore not based exclusively upon a 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.*

Neither the Applicant nor the subject property's owner created the subject property's proximity to a residential zoning district. The subject property's proximity to a residential zoning district is solely the creation of the City Council.

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.*

As Sgt. Henkels testified, the area surrounding the subject property features a variety of entertainment options such as the Owl and the Emporium. As the Applicant credibly testified, the Applicant is making strides to maintain the cleanliness of not only the front of the subject property, but also the next-door hotel and the sausage vendor. Additionally, the Applicant's operations with the PPA 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 Applicant's liquor license is until 2:00 AM, which is entirely in keeping with the area and is modest compared with the 4:00 AM license of the Owl, which is directly adjacent to the subject property.

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

The variation will allow the Applicant to establish a PPA so the Applicant can have live music and karaoke and thus it will not impair an adequate supply of light and air to adjacent properties or increase the danger of fire. As the existing restaurant's liquor license is only until 2:00 AM, the variation will not increase congestion in the public streets and will not endanger the public safety. The PPA is consistent with the entertainment-oriented nature of this portion of Milwaukee Avenue and as such, the variation will not 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 the specific criteria for a variation pursuant to Sections 17-13-1107-A, B and C of the Chicago Zoning Ordinance.

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

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

APPROVED AS TO SUBSTANCE

By:

  
Farzin Parang, Chairman



**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

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



FEB 24 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

**KPLN Holdings, LLC**  
APPLICANT

**562-19-Z**  
CALENDAR NUMBER

**December 20, 2019**  
HEARING DATE

**2933-37 N. Southport / 2956-58 N. Lincoln**  
PREMISES AFFECTED

**ACTION OF BOARD**

**THE VOTE**

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

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

**FINDINGS OF THE ZONING BOARD OF APPEALS  
IN THE MATTER OF THE VARIATION APPLICATION FOR 2933-37 N.  
SOUTHPORT AVE. / 2956-58 N. LINCOLN AVE. KPLN HOLDINGS, LLC.**

**I. BACKGROUND**

KPLN Holdings, LLC (the "Applicant") submitted a variation application for 2933-37 N. Southport Ave. / 2956-58 N. Lincoln Ave. (the "subject property").<sup>1</sup> The subject property is zoned B3-3 and is currently improved with a four mixed-use and commercial buildings (the "existing buildings"). The Applicant proposed to raze the existing buildings and redevelop the subject property with a four-story, mixed-use building with eleven dwelling units and an attached eleven (11) car garage (the "proposed building" or the "project"). In order to permit the proposed building, the Applicant sought a variation to reduce the rear setback from the required 30' to 0'.

**II. PUBLIC HEARING**

**A. The Hearing**

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's variation applications at its regular meeting held on December 20, 2019, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago

<sup>1</sup> Originally, and as can be seen from the ZONING BOARD OF APPEALS' December 20, 2019 agenda, the Applicant had applied for two variation applications. Such variation applications bore Cal. Nos. 562-19-Z and 563-19-Z. At the hearing, the Applicant withdrew the variation application bearing Cal. No. 563-19-Z.

**APPROVED AS TO SUBSTANCE**

CHAIRMAN

Zoning Ordinance and by publication in the *Chicago Sun-Times*. In accordance with the ZONING BOARD OF APPEALS' Rules of Procedure, the Applicant had submitted its proposed Findings of Fact. The Applicant's manager (and sole member) Mr. Mike Kaplun and its attorney Mr. Mark Kupiec were present. The Applicant's architect Mr. John Hanna and its professional engineer Mr. Anthony Navarro were present. Testifying in opposition to the application was Mr. Sam Samatas. Also opposed to the application was Aniba Properties, LLC ("Aniba"). Testifying in opposition to the application was Aniba's manager Mr. Abdelkader Metennani ("Moussa"). Aniba's attorney Mr. Steven Pauwels was present. Aniba also submitted a written statement of its opposition. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

The Applicant's attorney Mr. Mark Kupiec provided an overview of the Applicant's attempts to redevelop the subject property. In particular, Mr. Kupiec stated that after being made aware of an easement, the Applicant redesigned its program of development for the subject property. He stated that the Applicant had – after discussions with the community – further refined its program of development. He then submitted to the ZONING BOARD OF APPEALS a revised plan of development, which provided for eleven (11) dwelling units and an eleven (11) car attached garage ("Revised Plan").

In response to questions from the ZONING BOARD OF APPEALS regarding the Revised Plan, Mr. Mike Kaplun and Mr. John Hanna provided testimony.

The ZONING BOARD OF APPEALS granted Mr. Kupiec leave to proceed with its application under the Revised Plan.

The Applicant presented the testimony of its manager Mr. Kaplun

The Applicant presented the testimony of its architect Mr. Hanna.

Mr. Sam Samatas, of the 1400 block of Barry, testified in opposition to the application.

Aniba's attorney Mr. Steven Pauwels provided an overview of Aniba's opposition to the application. In particular, Aniba opposed redevelopment of the subject property because: (1) the Applicant had created its own hardship; (2) Mr. Moussa believed that a catch basin that serviced Aniba's property at 2960 N. Lincoln existed under the subject property; and (3) the Revised Plan did not allow Aniba to safely use the easement.

Aniba presented the testimony of its manger Mr. Moussa.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Pauwels and Mr. Kupiec provided explanation, and Mr. Kaplun and Mr. Moussa provided further testimony.

Mr. Kupiec cross-examined Mr. Samatas.

Mr. Kupiec cross-examined Mr. Moussa.

In response to questions by the ZONING BOARD OF APPEALS, Mr. Kupiec presented his argument as to why the Applicant had not created its own hardship.

The Applicant presented further testimony from Mr. Kaplun. In particular, Mr. Kaplun testified that after Mr. Moussa asked him about the catch basin, Mr. Kaplun had his general contractor and a licensed plumber investigate. He testified as to the scope of their investigations. He testified that the plumber had prepared a report summarizing his findings and that such report was prepared in the regular course of the plumber's business. He testified that as a developer, such report was a type of report that he would rely upon in planning and pursuing development projects.

Mr. Kupiec then submitted and the ZONING BOARD OF APPEALS accepted into the record a copy of said report.

Mr. Kaplun continued to testify with respect to such report. He testified that as a developer, he relied upon reports such as the plumber's report. He testified that if the plumber were wrong and the plumbing between 2960 N. Lincoln and the subject property were in fact tied together, the Applicant would make Aniba whole, in that the Applicant would create for Aniba its own standalone system so that there would not be any shared plumbing issues.

The Applicant presented the testimony of its professional engineer Mr. Anthony Navarro. The ZONING BOARD OF APPEALS recognized Mr. Navarro's credentials as an expert in engineering. Mr. Navarro testified that he had heard Mr. Moussa's testimony about the catch basin. He testified that he had also heard Mr. Kaplun's testimony about the efforts that Mr. Kaplun had taken to investigate the catch basin. He testified that Mr. Kaplun's efforts were reasonable. He testified that if Mr. Moussa were correct and 2960 N. Lincoln was serviced by a catch basin on the subject property, this could be solved by, if necessary, relocating the catch basin (as maintaining Aniba's catch basin on the subject property was not necessary). He testified that an engineer such as himself could supervise a design to remedy any issues with the catch basin.

Mr. Kupiec then renewed his objection to the catch basin as he did not believe the catch basin was relevant to Applicant's request for variation.

#### 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.*

As Mr. Kaplun testified, the subject property is comprised of four odd-shaped and odd-sized lots. A standard lot depth in the City of Chicago ("City") is 125'. All four of the lots are less than 125' deep, ranging from 62' to 82' deep. None of the four lots are complete rectangles. Three of the lots (2935 N. Southport, 2937 N. Southport and 2960 N. Lincoln) do not have direct alley access, as all three of these lots must access the alley through 2933 N. Southport. All four lots are improved with buildings that do not have on-site parking. Three of the four lots are improved with old, frame buildings that – as Mr. Kaplun testified – would not be financially feasible or (due to their age) safe to rehabilitate. Constructing two new buildings on the four lots (i.e., one building that would face Southport and one building that would face Lincoln) is also not feasible as it would require that

on-site parking to the Lincoln facing building be accessed from North Lincoln Avenue (due to the lack of rear alley). As Mr. Hanna testified, such access would disrupt the pedestrian-orientated nature of North Lincoln Avenue at this location. Therefore, to overcome the hardships of the short lot depths and irregular lot shapes as well as the lack of alley access to three of the four lots, the Applicant proposes to develop the subject property with one building. Based on all this, the ZONING BOARD OF APPEALS finds that strict compliance with the regulations and standards of the Chicago Zoning Ordinance would create particular difficulties or particular hardships for the subject property as it would make redevelopment of the subject property either impossible or against the established character of the neighborhood.

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

The requested variation and proposed project is consistent with the stated purpose and intent of the Chicago Zoning Ordinance, specifically by: (1) promoting the public health, safety and general welfare pursuant to Section 17-1-0501 by replacing three old frame buildings with a brand new all-masonry building; (2) preserving the overall quality of life for residents and visitors pursuant to Section 17-1-0502 by allowing a project that will maintain a commercial ground-floor unit on North Lincoln and provide on-site parking for all dwelling units that is accessed off of the alley; (3) maintaining economically vibrant and as well as attractive business and commercial areas pursuant to Section 17-1-0504 by proposing a project that will ensure that a commercial unit will remain on this portion of North Lincoln Avenue; (4) maintaining orderly and compatible land use and development patterns pursuant to Section 17-1-0508 of the Chicago Zoning Ordinance by proposing a project that that is compatible with the neighborhood in terms of project scale and project density; and (4) maintaining a range of housing choices and options by Section 17-1-0512 by providing eleven (11) new dwelling units to 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-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.*

The Applicant would be unable to achieve a reasonable rate of return if forced to develop the subject property in strict accordance to the Chicago Zoning Ordinance. As Mr. Kaplun credibly testified, without the requested variation, the

Applicant would not be able to finance redevelopment on the subject property and therefore would not receive any return on its investment. With the requested variation, the Applicant will realize a little less than an eight percent (8%) return on its investment. The ZONING BOARD OF APPEALS finds this to be a reasonable rate of return.

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

As noted above, the practical difficulties or particular hardships are due to the unique circumstances of the substandard lot depths and irregular sizes of the four individual lots that make up the subject property, the age of three of the four improvements on the individual lots, lack of alley access to three of the four lots, and the pedestrian orientated nature of North Lincoln Avenue at this location. These unique circumstances are not generally applicable to other property located in business and commercial districts.

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

Since the subject property is surrounded by other B zoned property, a rear setback is only required for floor containing dwelling units.<sup>2</sup> Here, the rear setback is observed on the subject property's North Lincoln Avenue frontage. As can be seen from the renderings attached to the Revised Plan, the nearby improvements on North Lincoln Avenue do not observe a 30' rear setback for floors containing dwelling units. Indeed, to have the Applicant observe the 30' rear setback for floors containing dwelling units (if such an option were financially feasible) would render the proposed building out of character with the neighborhood. Further, the rendering attached to the Revised Plan show that the proposed building itself will not be out of character with respect to height or density.

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

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

The particular physical surroundings (i.e., the lack of alley access to three of the four lots), the shape (i.e., the substandard lot depths and odd-shaped lot sizes of

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<sup>2</sup> See section 17-3-0405 of the Chicago Zoning Ordinance.

the four lots), and the topographical condition of the subject property (i.e., that three of the four lots are improved with old buildings that are neither financially feasible nor safe to rehabilitate) results in particular hardship upon both the future property owner (i.e., the Applicant) and the current property owner. As can be seen from Mr. Kaplun's testimony, three of the four lots that make up the subject property are improved with buildings that – due to their age – make rehabilitation neither financially feasible nor safe. Further, none of the improvements on the four lots have on-site parking, making all of them legal nonconforming improvements. Thus, any redevelopment of the subject property (by either the Applicant or the current property owner) would require a variation of some kind. This particular variation will allow the Applicant to realize reasonable rate of return while constructing a building that is harmonious with the neighborhood.

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

The conditions upon which the Applicant's request for variation is based are not generally applicable to other property within the same zoning classification. Properties within B3-3 zoning districts are generally 125' in depth, are rectangular in shape, and have alley access. Further, improved properties within B3-3 zoning districts are generally able to be: (1) rehabilitated in a way that is both financially feasible and safe; or (2) redeveloped with new improvements that – due to the properties' standard lot depth, rectangular lot shape and alley access – do not require variations.

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

The purpose of the variation is to replace four legally nonconforming buildings (three of which are old and cannot be safely rehabilitated) with one new all-masonry building that is harmonious with the neighborhood in terms of project scale and project design. For instance, the proposed building keeps a ground-floor commercial unit on North Lincoln Avenue. It also will provide all on-site required parking (unlike the current buildings on the subject property) and will ensure that access to said on-site parking is off of the alley rather than a curbcut on North Southport or North Lincoln. The proposed building is also only four (4) stories high, so it will remain in line with other buildings in the area. As Mr. Kaplun testified, the Applicant could have built a taller building at the subject property but chose not to build to the maximum allowable size in a B3-3 zoning district.

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

The alleged practical difficulty or particular hardship – that is, the substandard lot depths and irregular sizes of the four individual lots that make up the subject property, the age of three of the four improvements on the individual lots, lack of alley access to three of the four lots, and the pedestrian orientated nature of North Lincoln Avenue at this location – have not been created by either the Applicant or the current property owner.

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

The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the subject property's neighborhood because it will enable the construction of the proposed building. As can be seen by the renderings attached to the Revised Plan and the photographs the Applicant provided of North Southport at this location, the proposed building has been designed so that it will be harmonious to the neighborhood and thus not detrimental to the public welfare. Indeed, as the variation will allow for three old frame structures to be replaced by one new all masonry building, the variation will confer a net benefit to the neighborhood. Due to the condition imposed by the ZONING BOARD OF APPEALS, the variation will not be injurious to other property or improvements (particularly the improvement at 2970 N. Lincoln) in the neighborhood.

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

The variation will allow the proposed building to be constructed. As can be seen from the Revised Plan and the photographs the Applicant provided of North Southport at this location, the proposed building will not impair an adequate supply of light and air to adjacent property. The proposed building will not increase the congestion in the public streets because it will be providing a 1:1 parking ratio for all dwelling units. This is more than exists on the subject property today, thereby decreasing congestion. The proposed building will not endanger the public safety as it will not be built unless and until a valid building permit is issued to the Applicant. As the proposed building will be all new masonry construction and will be replacing four legally nonconforming buildings, three of which that are frame and cannot be safely rehabilitated, the proposed building will not substantially diminish or impair property values in 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 the specific criteria for a variation pursuant to Sections 17-13-1107-A, B and C of the Chicago Zoning Ordinance.

The ZONING BOARD OF APPEALS hereby approves the Applicant's application for a variation, and pursuant to the authority granted to the ZONING BOARD OF APPEALS by Section 17-13-1105 of the Chicago Zoning Ordinance, the Zoning Administrator is authorized to permit said variation subject to the following condition:

1. If the plumber's report is incorrect and the interior plumbing on 2670 N. Lincoln and the subject property is linked and related, the Applicant shall make the owner of 2670 N. Lincoln whole by creating 2670 N. Lincoln a standalone system so there will not be any shared interior plumbing issues.

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

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

**APPLICANT:** KPLN Holdings, LLC

**CAL NO.:** 563-19-Z

**APPEARANCE FOR:** Mark Kupiec

**MINUTES OF MEETING:**

December 20, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2933-37 N. Southport Avenue / 2956-58 N. Lincoln Avenue

**NATURE OF REQUEST:** Application for a variation to reduce the off street parking from the required twelve parking spaces to eleven for a proposed four-story, mixed use building with an attached eleven car garage.

**ACTION OF BOARD-  
VARIATION WITHDRAWN**

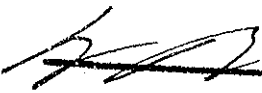
**THE VOTE**

JAN 17 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
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



**FEB 24 2020**  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

**Noah Properties, LLC**  
APPLICANT

**566-19-Z, 567-19-Z,  
568-19-Z & 569-19-Z**  
CALENDAR NUMBERS

**2339-2341 W. Shakespeare Avenue**  
PREMISES AFFECTED

**December 20, 2019**  
HEARING DATE

**ACTION OF BOARD**

**THE VOTE**

The applications for the variations are approved subject to the condition set forth in this decision.

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

**FINDINGS OF THE ZONING BOARD OF APPEALS  
IN THE MATTER OF THE VARIATION APPLICATIONS FOR 2339-2341 W.  
SHAKESPEARE AVENUE BY NOAH PROPERTIES, LLC.**

**I. BACKGROUND**

Noah Properties, LLC (the "Applicant") submitted four variation applications for 2339-2341 W. Shakespeare Avenue (the "subject property"). The subject property is zoned RS-3 and is currently improved with a three-and-a-half story, four dwelling unit building (the "existing building"). The subject property is comprised of two lots of record; however, it is currently one zoning lot. The Applicant proposed to raze the existing building and split the subject property into two zoning lots: 2339 W. Shakespeare Avenue and 2341 W. Shakespeare Avenue. The Applicant proposed to improve each zoning lot with a two-story, single-family residence with an attached two-car garage with roof deck (each, a "home"). To permit the proposed improvements at 2339 W. Shakespeare Avenue, the Applicant sought the following variations: (1) reduce: (a) the front setback from the required 13.03' to 8.5'; (b) the east setback from the required 2' to 1'<sup>1</sup>; (c) reduce the combined side setback from the required 4.8' to 3'<sup>2</sup>; and (d) the rear setback from 28' to 2'; and (2) relocate the required 225 square feet of rear yard open space to the proposed garage roof deck. To permit the proposed improvements at 2341 W. Shakespeare Avenue, the Applicant sought the following variations: (1) reduce: (a) the front setback from the required 12.85' to 8.5'; (b) the east side and west side setback from the required 2' each to 0'; (c) combined side setback from the required

<sup>1</sup> As amended at the hearing.

<sup>2</sup> As amended at the hearing.

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

5' to 0'; and (d) the rear yard setback from the required 28' to 2'; and (2) relocate the required 225 square feet of rear yard open space to the proposed roof deck.

## PUBLIC HEARING

### A. The Hearing

The ZONING BOARD OF APPEALS held a public hearing on the Applicant's variation applications at its regular meeting held on December 20, 2019, after due notice thereof as provided under Sections 17-13-0107-A(9) and 17-13-0107-B of the Chicago Zoning Ordinance and by publication in the *Chicago Sun-Times*, and as continued 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, the Applicant had submitted its proposed Findings of Fact. The Applicant's managing member Mr. Bart Przyjemski and its attorney Mr. Nick Ftikas were present. The Applicant's architect Mr. Bill Kokalias was also present. Mr. Will Goldberg, Ms. Gail Grochowiak and Mr. John Newhouse appeared in support of the applications. Mr. Paul Sajovec the chief of staff to 32<sup>nd</sup> ward alderman Scott Waguespack (the "Alderman") appeared in opposition to the applications. Mr. Anton Rasmussen III, Mr. Trey Rasmussen and Ms. Maria Vender (collectively, the "Rasmussens"), of 2337 W. Shakespeare Avenue, initially appeared in opposition to the applications; however, during the hearing, their attorney Mr. Warren Silver stated that his clients had withdrawn their opposition to the applications. The statements and testimony given during the public hearing were given in accordance with the ZONING BOARD OF APPEALS' Rules of Procedure.

The Applicant's attorney Mr. Nick Ftikas provided an overview of the subject property including an explanation of the relief sought as well as the initial opposition of the Rasmussens. He stated that while the Applicant had been able to resolve the Rasmussens' opposition to the applications, such resolution had required the Applicant to amend its proposed plan of development for the subject property. He stated that the amended proposed plan of development for the subject property required an amendment to the east and combined side setback relief sought by the Applicant for 2339 W. Shakespeare Avenue. He read into the record the amended relief sought.

He then submitted and the ZONING BOARD OF APPEALS accepted into the record a revised site plan for the subject property, showing the proposed changes to the Applicant's proposed plan of development (the "Revised Site Plan"). He then described the Revised Site Plan to the ZONING BOARD OF APPEALS. He stated that the Applicant had removed an open rear raised deck from each proposed home. He stated that instead of an open rear raised deck, the Applicant would be provided landscaped open space at grade level at the rear of each home. He stated that (as could be seen from the Revised Site Plan) the Applicant rotated the stairs that provided access from each home to the garage roof deck so that: (1) stairs ran parallel to the rear building wall of each home from the first floor of the each home down to grade; and (2) stairs ran parallel to the attached mudroom from grade to each garage roof deck.

The Ramussens' attorney Mr. Warren Silver stated that in addition to the hand drawn additions by Mr. Kokalias that Mr. Ftikas has just described, the Revised Site Plan also

included relocation of the breezeways (or mudrooms) to the interior lot lines of the to-be-created separate zoning lots. He stated that this, along with the 3' side setback on the east side of 2339 W. Shakespeare and the 3' side setback on the west side of 2341 W. Shakespeare for the length of each proposed home<sup>3</sup>, was a material consideration made by the Applicant to induce the Rasmussens to withdraw their opposition. He stated that another change shown on the revised site plan was that the proposed garage at 2339 W. Shakespeare would be built 1' off of the east property line. He then requested that should the ZONING BOARD OF APPEALS approve the Applicants' applications that the approval incorporate final plans prepared by Mr. Kokalias and signed by both the Applicant and the Rasmussens.

Mr. Ftikas stated he had no objections to Mr. Warren's request<sup>4</sup> but reminded that from a strict zoning standpoint, the Applicant would only be providing a 1' east side setback for 2339 W. Shakespeare.<sup>5</sup>

The Applicant presented testimony from its managing member Mr. Bart Przyjemski.

The Applicant presented testimony from its architect Mr. Bill Kokalias.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Ftikas stated that the Revised Site Plan reflected all amendments discussed by the Applicant and the Rasmussens.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Ftikas provided background on the neighborhood.

Mr. Paul Sajovec testified in opposition to the applications. He testified that the Alderman strenuously objected to physical connectors (i.e., breezeways or mudrooms) between primary structures and garages.

In response to Mr. Sajovec's testimony, Mr. Ftikas stated that the Applicant was well aware of the Alderman's blanket opposition to all developments that included connections between primary structures and garages. He stated that the Applicant believed that the 100' substandard lot depth of the subject property warranted consideration of a connection between the homes and the garages.

In response to questions from the ZONING BOARD OF APPEALS, Mr. Ftikas submitted and the ZONING BOARD OF APPEALS accepted into the record a copy of the City of Chicago's zoning map showing properties near the subject property that connections between the home and the garage.

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<sup>3</sup> As can be seen from the revised site plan, this 3' side setback ends once each attached garage begins.

<sup>4</sup> Such a request, however, is not possible as it would render the ZONING BOARD OF APPEALS' decision on the matter not a final decision.

<sup>5</sup> To attach the garages to the homes via the breezeways (or mudrooms), the Applicant is required to reduce the rear setback on 2339 W. Shakespeare and 2341 W. Shakespeare from 28' to 2'. Since the rear setback now begins 2' from the rear property line, both garages are now located in the side setbacks for both zoning lots. Since garages are not permitted obstructions in side setbacks, the side setbacks also have to be reduced to allow for the garages. See sections 17-17-309, 17-17-02140, and 17-17-02157 of the Chicago Zoning Ordinance.

Mr. Will Goldberg, of 2223 W. Charleston, testified in support of the applications.

Ms. Gail Grochowiak, of 2336 W. Palmer, testified in support of the applications. She testified she also owned 2238 and 2340 W. Palmer.

Mr. John Newhouse, the current owner of the subject property, testified in support of the applications. He testified he also owned 2345 W. Shakespeare.

#### 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.

## II. 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 create practical difficulties or particular hardships for the subject property.*

The subject property is comprised of two lots of record, each measuring 24' wide by 100' deep. This 100' lot depth is quite substandard as a standard City of Chicago ("City") lot is 125' in depth. As Mr. Kokalias testified, if the two lots of record had standard lot depth of 125', the Applicant would not need the requested variations. Thus, without the requested variations, the Applicant would not be able to separate the two lots of record into two separate zoning lots. The ZONING BOARD OF APPEALS finds this inability to separate the two lots of record into two separate zoning lots to be a practical difficulty or particular hardship.

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

The requested variations and the Revised Site Plan 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 by allowing a plan of development for the subject property that better utilizes two lots of record; (2) preserving the overall quality of life for residents and visitors pursuant to Section 17-1-0502 by allowing a plan of development for the subject property that does not deliver an overly dense structure; (3) protecting the character of established residential neighborhoods pursuant to Section 17-1-0503 by allowing two new single-family homes to be constructed in a residential neighborhood; (4) maintaining orderly and compatible land use and development patterns pursuant to Section 17-1-0508 of the Chicago Zoning Ordinance by proposing a plan of development that is consistent with nearby single-family homes and other residential developments; and (5) maintaining a range of housing choices and options by Section 17-1-0512 by replacing an older four dwelling unit building with two new single-family homes.

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.*

The Applicant would be unable to achieve a reasonable rate of return if forced to develop the subject property in strict accordance to the Chicago Zoning Ordinance. As Mr. Kokalias testified, without the requested variations, the Applicant would be unable to redevelop the subject property in such a way that would allow the Applicant to develop both lots of record. Instead, the subject property would remain encumbered with an aging building built over two lots of record. As set forth in the Applicant's economic analysis, the variations will allow the Applicant to realize a 10-12% return on its investment. The ZONING BOARD OF APPEALS finds this 10-12% to be reasonable.

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

The inability to improve each lot of record with a separate building is due to the unique circumstance of the subject property's 100' depth. If the subject property had the standard 125' lot depth, the Applicant would be able to split the zoning lot and improve each lot of record with a separate building without the requested variations.

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

The variations will allow for two new, two-story single-family homes to be developed on two lots of record. As can be seen from the plat of survey, the nearby improvements are a mixture of one-and-a-half story and two-story residential buildings each built on a single lot of record. Thus, the 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 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.*

The 100' lot depth of the subject property results in particular hardship upon both the property owner and the Applicant as it prevents both the property owner and the Applicant from ever redeveloping the subject property in such a way that



efficiently utilizes both lots of record (i.e., with a separate building on each lot of record).

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

The conditions upon which the Applicant's request for variations are not generally applicable to other property within the same zoning classification. Properties within RS-3 zoning districts generally are not 100' in depth. Instead, most properties within the RS-3 zoning district (or indeed any zoning district) are 125' in depth. Thus, generally, a zoning lot comprised of two lots of record could be separated into two zoning lots and improved with new construction on each new zoning lot with variations.

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 separate the two lots of record into two separate zoning lots and then improve each new zoning lot with new all-masonry construction. Thus, the purpose of the variations is not based exclusively upon a desire to make more money out of the subject property but rather to efficiently utilize the subject property in the manner in which it was originally subdivided. As Mr. Ftikas pointed out, the subject property as configured today leaves a 12' parcel lying vacant and idle. The remainder of the property is improved with an aging building. This ZONING BOARD OF APPEALS finds that this is not efficient land use.

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

The practical difficulty or particular hardship in this instance – that is, the 100' lot depth of the subject property – has not been created by either the Applicant or Mr. Newhouse.

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 granting of the variations will not be detrimental to the public welfare or injurious to other property or improvements in the subject property's neighborhood because it will enable each lot of record to be improved with a new single-family home.

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 proposed variations will not impair adequate supply of light and air to the adjacent property. As can be seen from the Revised Site Plan, the new homes (with the exception of the attached garages) will be set 3' from their side property lines. Further, the new homes will be two stories. As can be seen from the plat of survey, this is consistent with the rest of the nearby properties on this side of West Shakespeare which are one-and-half or two stories tall. As each of the new homes will have a two-car garage, the proposed variations will not increase congestion in the public streets. The proposed variations will not increase the danger of fire as they will be all masonry construction. The proposed variations will not endanger the public safety as the Revised Site Plan cannot be built unless and until the Applicant has obtained a valid building permit from the City's Department of Buildings. The proposed variations will not impair property values within the neighborhood, as the variations will allow an aging multi-residential building to be replaced by two brand new single-family homes.

### III. CONCLUSION

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

The ZONING BOARD OF APPEALS hereby approves the Applicant's applications for variations, and pursuant to the authority granted to the ZONING BOARD OF APPEALS by Section 17-13-1105 of the Chicago Zoning Ordinance, the Zoning Administrator is authorized to permit said variations subject to the following condition:

1. The Applicant shall develop the subject property in accordance with the Revised Site Plan submitted at the hearing.

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

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

**APPLICANT:** D3: Dre's Diesel Dome, LLC Cal. No. 571-19-S  
**APPEARANCE FOR:** Shanita Straw **MINUTES OF MEETING:**  
**APPEARANCE AGAINST:** None December 20, 2019  
**PREMISES AFFECTED:** 2635 S. Wabash Avenue

**NATURE OF REQUEST:** Application for a special use to establish a 4,215 square foot fitness center (Sports and Recreation Participant) in an existing four-story mixed use building.

**ACTION OF BOARD-**  
**Continued to February 21, 2020 at 2:00 p.m.**

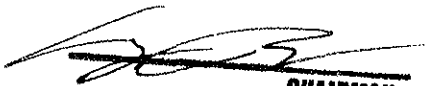
**THE VOTE**

JAN 17 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
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:** 2738 W. Cortez Condominium Association **CAL NO.:** 593-19-Z

**APPEARANCE FOR:** Sara Barnes

**MINUTES OF MEETING:**  
December 20, 2019

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2738 W. Cortez Street

**NATURE OF REQUEST:** Application for a variation to reduce the rear setback from the required 37.4' to 2', east and west side setback from 2' each to zero, combined side setback from 5' to zero for a proposed garage roof deck with access bridge in the rear of an existing three-story, three dwelling unit building.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

JAN 17 2020  
CITY OF CHICAGO  
ZONING BOARD OF APPEALS

FARZIN PARANG  
ZURICH ESPOSITO  
SYLVIA GARCIA  
JOLENE SAUL  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

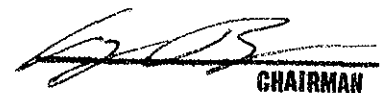
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held December 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 31, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear setback to 2', east and west side setback each to zero, combined side setback to zero for a proposed garage roof deck with access bridge in the rear of an existing three-story, three dwelling unit building; an additional variation was granted to the subject property in Cal. No. 594-19-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

**APPROVED AS TO SUBSTANCE**

  
**CHAIRMAN**

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

**APPLICANT:** 2738 W. Cortez Condominium Association **CAL NO.:** 594-19-Z  
**APPEARANCE FOR:** Sara Barnes **MINUTES OF MEETING:** December 20, 2019  
**APPEARANCE AGAINST:** None  
**PREMISES AFFECTED:** 2738 W. Cortez Street

**NATURE OF REQUEST:** Application for a variation to relocate the required 202 square feet of rear yard open to a proposed garage roof top deck which will serve the existing three-story, three dwelling unit building with garage with access bridge to the proposed roof deck.

**ACTION OF BOARD-  
 VARIATION GRANTED**

**THE VOTE**

JAN 17 2020  
 CITY OF CHICAGO  
 ZONING BOARD OF APPEALS

FARZIN PARANG  
 ZURICH ESPOSITO  
 SYLVIA GARCIA  
 JOLENE SAUL  
 SAM TOIA

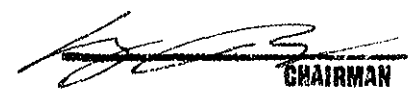
AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on December 20, 2019 after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 31, 2019; and

WHEREAS, the Zoning Board of Appeals, having reviewed the proposed finding of fact and having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to relocate the required 202 square feet of rear yard open to a proposed garage roof top deck which will serve the existing three-story, three dwelling unit building with garage with access bridge to the proposed roof deck; an additional variation was granted to the subject property in Cal. No. 593-19-Z; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance; 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

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

  
**CHAIRMAN**